

**EIGHTY-FIFTH GENERAL ASSEMBLY
2014 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

MARCH 18, 2014

SENATE FILE 2167

S-5069

1 Amend Senate File 2167 as follows:
2 1. Page 2, line 17, by striking <Preventing> and
3 inserting <Intentionally preventing>
4 2. Page 2, line 18, after <interfere> by inserting
5 <in any way>
6 3. Page 12, line 30, by striking <Preventing> and
7 inserting <Intentionally preventing>
8 4. Page 12, line 31, after <interfere> by inserting
9 <in any way>
10 5. Page 13, line 19, by striking <Preventing> and
11 inserting <Intentionally preventing>
12 6. Page 13, line 20, after <interfere> by inserting
13 <in any way>
14 7. Page 14, line 8, by striking <Preventing> and
15 inserting <Intentionally preventing>
16 8. Page 14, line 9, after <interfere> by inserting
17 <in any way>
18 9. By renumbering as necessary.

By LIZ MATHIS

S-5069 FILED MARCH 17, 2014
ADOPTED

S-5068

1 Amend Senate File 2269 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 257.11, subsection 7, paragraph
5 a, subparagraph (1), Code 2014, is amended to read as
6 follows:

7 (1) In order to provide additional funding to
8 increase student opportunities and redirect more
9 resources to student programming for school districts
10 that share operational functions, ~~a supplementary~~
11 ~~weighting of two hundredths per pupil shall be~~
12 ~~assigned to pupils enrolled in a district that~~
13 ~~shares with a political subdivision one or more~~
14 ~~operational functions of a curriculum director,~~
15 ~~school administration manager, social worker, school~~
16 ~~nurse, or school counselor, or school librarian,~~
17 ~~or one or more operational functions in the areas~~
18 ~~of superintendent management, business management,~~
19 ~~human resources, transportation, or operation and~~
20 ~~maintenance for at least twenty percent of the school~~
21 ~~year shall be assigned a supplementary weighting~~
22 ~~for each shared operational function. A school~~
23 ~~district that shares an operational function in the~~
24 ~~area of superintendent management shall be assigned~~
25 ~~a supplementary weighting of eight pupils for the~~
26 ~~function. A school district that shares an operational~~
27 ~~function in the area of business management, human~~
28 ~~resources, transportation, or operation and maintenance~~
29 ~~shall be assigned a supplementary weighting of five~~
30 ~~pupils for the function. A school district that shares~~
31 ~~the operational functions of a curriculum director or~~
32 ~~a school counselor shall be assigned a supplementary~~
33 ~~weighting of three pupils for the function. The~~
34 ~~additional weighting shall be assigned for each~~
35 ~~discrete operational function shared. However, a~~
36 ~~school district may receive the additional weighting~~
37 ~~under this subsection for sharing the services of~~
38 ~~an individual with a political subdivision even if~~
39 ~~the type of operational function performed by the~~
40 ~~individual for the school district and the type of~~
41 ~~operational function performed by the individual for~~
42 ~~the political subdivision are not the same operational~~
43 ~~function, so long as both operational functions are~~
44 ~~eligible for weighting under this subsection. In~~
45 ~~such case, the school district shall be assigned~~
46 ~~the additional weighting for the type of operational~~
47 ~~function that the individual performs for the school~~
48 ~~district, and the school district shall not receive~~
49 ~~additional weighting for any other function performed~~
50 ~~by the individual. The operational function sharing~~

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1 arrangement does not need to be a newly implemented
2 sharing arrangement to receive supplementary
3 weighting under this subsection. ~~However, to receive~~
4 ~~supplementary weighting under this subsection for an~~
5 ~~ongoing operational function sharing arrangement that~~
6 ~~began before July 1, 2014, the district shall submit~~
7 ~~information to the department documenting the cost~~
8 ~~savings directly attributable to the shared operational~~
9 ~~functions and describe the district's consideration of~~
10 ~~additional shared operational functions.~~

11 Sec. 2. Section 257.11, subsection 7, paragraphs c
12 and d, Code 2014, are amended to read as follows:

13 c. Supplementary weighting pursuant to this
14 subsection shall be available to a school district for
15 a maximum of five years during the period commencing
16 with the budget year beginning July 1, 2014, through
17 the budget year beginning July 1, 2019. The ~~minimum~~
18 ~~amount of additional weighting for which a school~~
19 ~~district shall be eligible is an amount equivalent~~
20 ~~to ten additional pupils, and the maximum amount of~~
21 ~~additional weighting for which a school district shall~~
22 ~~be eligible in a budget year is an amount equivalent~~
23 ~~to forty twenty-one additional pupils. Receipt of~~
24 ~~supplementary weighting by a school district pursuant~~
25 ~~to this subsection for more than one year shall be~~
26 ~~contingent upon the annual submission of information~~
27 ~~by the district to the department documenting cost~~
28 ~~savings directly attributable to the shared operational~~
29 ~~functions. Criteria for determining the number of~~
30 ~~years for which supplementary weighting shall be~~
31 ~~received pursuant to this subsection, subject to the~~
32 ~~five year maximum, and for determining qualification~~
33 ~~of operational functions for supplementary weighting~~
34 ~~shall be determined by the department by rule, through~~
35 ~~consideration of long term savings by the school~~
36 ~~district or increased student opportunities.~~

37 d. Supplementary weighting pursuant to this
38 subsection shall be available to an area education
39 agency for a maximum of five years during the period
40 commencing with the budget year beginning July 1,
41 2014, through the budget year beginning July 1,
42 2019. The minimum amount of additional funding for
43 which an area education agency shall be eligible in
44 a budget year is ~~fifty~~ thirty thousand dollars, and
45 the maximum amount of additional funding for which an
46 area education agency shall be eligible is two hundred
47 thousand dollars. The department of management shall
48 annually set a weighting for each area education agency
49 to generate the approved operational sharing expense
50 using the area education agency's special education

1 cost per pupil amount and foundation level. Receipt
2 of supplementary weighting by an area education agency
3 for more than one year shall be contingent upon the
4 annual submission of information by the district to
5 the department documenting cost savings directly
6 attributable to the shared operational functions.

7 Criteria for determining the number of years for
8 which supplementary weighting shall be received
9 pursuant to this subsection, subject to the five-year
10 maximum, and the amount generated by the supplementary
11 weighting, and for determining qualification of
12 operational functions for supplementary weighting
13 shall be determined by the department by rule,
14 through consideration of long-term savings by the area
15 education agency or increased student opportunities.

16 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
17 deemed of immediate importance, takes effect upon
18 enactment.>

19 2. Title page, line 1, by striking <modifying> and
20 inserting <relating to>

By LIZ MATHIS

S-5073

1 Amend Senate File 2318 as follows:

2 1. Page 7, after line 27 by inserting:

3 <Sec. ____ Section 282.18, subsection 11, Code
4 2014, is amended to read as follows:

5 11. A pupil who participates in open enrollment
6 for purposes of attending a grade in grades nine
7 through twelve in a school district other than the
8 district of residence is ineligible to participate
9 in varsity interscholastic athletic contests and
10 athletic competitions during the pupil's first ninety
11 school days of enrollment in the district except that
12 the pupil may participate immediately in a varsity
13 interscholastic sport if the pupil is entering grade
14 nine for the first time and did not participate in
15 an interscholastic athletic competition for another
16 school or school district during the summer immediately
17 following eighth grade, if the district of residence
18 and the other school district jointly participate
19 in the sport, if the sport in which the pupil wishes
20 to participate is not offered in the district of
21 residence, if the pupil chooses to use open enrollment
22 to attend school in another school district because
23 the district in which the student previously attended
24 school was dissolved and merged with one or more
25 contiguous school districts under section 256.11,
26 subsection 12, if the pupil participates in open
27 enrollment because the pupil's district of residence
28 has entered into a whole grade sharing agreement
29 with another district for the pupil's grade, ~~or~~ if
30 the parent or guardian of the pupil participating
31 in open enrollment is an active member of the armed
32 forces and resides in permanent housing on government
33 property provided by a branch of the armed services,
34 or if the district of residence determines that the
35 pupil was previously subject to a founded incident of
36 harassment or bullying as defined in section 280.28
37 while attending school in the district of residence.
38 A pupil who has paid tuition and attended school, or
39 has attended school pursuant to a mutual agreement
40 between the two districts, in a district other than
41 the pupil's district of residence for at least one
42 school year is also eligible to participate immediately
43 in interscholastic athletic contests and athletic
44 competitions under this section, but only as a member
45 of a team from the district that pupil had attended.
46 For purposes of this subsection, "*school days of*
47 *enrollment*" does not include enrollment in summer
48 school. For purposes of this subsection, "*varsity*"
49 means the same as defined in section 256.46.>

By ROBERT M. HOGG

S-5073 FILED MARCH 17, 2014

ADOPTED

S-5074

1 Amend Senate File 2318 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. SHORT TITLE. This Act shall be known
5 and may be cited as the "Bully Free Iowa Act of 2014".

6 Sec. 2. Section 256.7, Code 2014, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 33. Adopt rules providing for
9 annual notification by the department to all school
10 districts and accredited nonpublic schools regarding
11 the availability of training meeting the requirements
12 of section 272.2, subsection 19. After receipt of such
13 notification, a school district or accredited nonpublic
14 school shall notify all employees holding a license,
15 certificate, authorization, or statement of recognition
16 issued by the board of educational examiners regarding
17 the availability of such training.

18 Sec. 3. Section 256.7, Code 2014, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 34. Adopt rules incorporating the
21 training required by section 272.2, subsection 19,
22 into the standards for individual teacher professional
23 development plans in accordance with section 284.6 and
24 individual administrator professional development plans
25 in accordance with section 284A.6.

26 Sec. 4. NEW SECTION. 256.100 Harassment and
27 bullying prevention and response.

28 1. The department shall coordinate and implement
29 the state's efforts to prevent and respond to
30 harassment and bullying as defined in section 280.28.
31 The department may enter into chapter 28E agreements
32 with the board of educational examiners, the department
33 of human rights, the civil rights commission, and
34 postsecondary educational institutions for the joint
35 employment of personnel to carry out its duties.

36 2. The department shall:

37 a. Assist schools in this state in implementation
38 of section 280.28, using research-based and
39 outcome-based best practices.

40 b. Develop or recommend qualified training programs
41 for training required by section 272.2, subsection 19.

42 c. Provide assistance to school employees
43 responsible for conducting investigations of complaints
44 of incidents of harassment or bullying to ensure
45 compliance with section 280.28.

46 d. Have access to, compare, and analyze harassment
47 and bullying incidence data reported by school
48 districts and accredited nonpublic schools pursuant to
49 section 280.28, subsection 7, and response data from
50 the Iowa youth survey conducted by the department of

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1 public health. The department may use its analysis to
2 provide technical assistance to districts and schools
3 regarding their data outcomes.

4 Sec. 5. Section 272.2, Code 2014, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 19. a. Adopt rules requiring
7 all individuals applying for or renewing a license,
8 certificate, authorization, or statement of recognition
9 issued by the board to complete training approved by
10 the department on harassment and bullying prevention
11 and response.

12 b. Adopt rules requiring all individuals applying
13 for or renewing an administrator license to complete
14 training approved by the department on implementation
15 of school-wide policies and procedures for harassment
16 and bullying identification, reporting, response, and
17 prevention and for the training of individuals who are
18 responsible for conducting investigations of complaints
19 of incidents of harassment or bullying.

20 c. Adopt rules providing for waiver or suspension
21 of the training requirements of this subsection if
22 the waiver or suspension is in the public interest,
23 applicable to an individual who is engaged in active
24 duty in the military service of this state or of the
25 United States, to an individual for whom compliance
26 with the training requirements would impose a
27 significant hardship, or to an individual who is
28 practicing in an education profession outside this
29 state.

30 Sec. 6. Section 280.28, subsection 2, paragraphs a
31 and b, Code 2014, are amended to read as follows:

32 a. "*Electronic*" means any communication involving
33 the transmission of information by wire, radio,
34 optical cable, electromagnetic, or other similar
35 means. "*Electronic*" includes but is not limited to
36 communication via electronic mail, internet-based
37 communications including social networking sites, pager
38 service, cell phones, and electronic text messaging,
39 or any other electronic communication site, device, or
40 means.

41 b. "*Harassment*" and "*bullying*" shall be construed
42 to mean any electronic, written, verbal, or physical
43 act or conduct toward a student which is based on
44 any actual or perceived trait or characteristic of
45 the student or any other reason and which creates an
46 objectively hostile school environment that meets one
47 or more of the following conditions:

48 (1) Places the student in reasonable fear of harm
49 to the student's person or property.

50 (2) Has a substantially detrimental effect on the

1 student's physical or mental health.

2 (3) Has the effect of substantially interfering
3 with a student's academic performance.

4 (4) Has the effect of substantially interfering
5 with the student's ability to participate in or benefit
6 from the services, activities, or privileges provided
7 by a school.

8 Sec. 7. Section 280.28, subsection 3, Code 2014, is
9 amended by adding the following new paragraphs:

10 NEW PARAGRAPH. h. A procedure for the immediate
11 notification of the parents or guardians of all
12 students directly involved in a reported incident of
13 harassment or bullying. The procedure may include an
14 exception to the notification requirement if a school
15 official reasonably believes notification would subject
16 a student to abuse or neglect.

17 NEW PARAGRAPH. i. A procedure for documenting the
18 actions taken by the school to investigate and respond
19 to harassment or bullying.

20 Sec. 8. Section 280.28, subsections 5 and 7, Code
21 2014, are amended to read as follows:

22 5. *Immunity.* a. A school employee, volunteer,
23 or student, or a student's parent or guardian who
24 promptly, reasonably, and in good faith reports an
25 incident of harassment or bullying, in compliance with
26 the procedures in the policy adopted pursuant to this
27 section, to the appropriate school official designated
28 by the school district or accredited nonpublic school,
29 shall be immune from civil or criminal liability
30 relating to such report and to participation in any
31 administrative or judicial proceeding resulting from
32 or relating to the report.

33 b. A school employee who determines not to
34 investigate or take further action regarding a report
35 of an alleged incident of harassment or bullying that
36 occurred outside of school, off of school property,
37 or away from a school function or school-sponsored
38 activity shall be immune from civil or criminal
39 liability relating to such determination. The employer
40 of such a school employee shall be immune from civil or
41 criminal liability relating to such determination.

42 7. *Integration of policy ~~and reporting.~~* The board
43 of directors of a school district and the authorities
44 in charge of each nonpublic school shall integrate
45 its antiharassment and antibullying policy into the
46 comprehensive school improvement plan required under
47 section 256.7, subsection 21, ~~and shall report data~~
48 ~~collected under subsection 6, as specified by the~~
49 ~~department, to the local community.~~

50 Sec. 9. Section 280.28, Code 2014, is amended by

1 adding the following new subsections:

2 NEW SUBSECTION. 7A. *Annual report on internet site.*

3 a. The board of directors of a school district
4 and the authorities in charge of each nonpublic
5 school shall annually post on the school district's or
6 school's internet site a report on the following for
7 the previous school year by December 15:

8 (1) Data collected under subsection 6.

9 (2) The process used for filing complaints,
10 including the location of online or other complaint
11 forms.

12 (3) Antiharassment and antibullying training
13 completed by school employees, volunteers, and
14 students.

15 b. The department shall specify a format for the
16 report, which shall include aggregate data on the types
17 of harassment or bullying, as defined by the department
18 in accordance with this section, that occurred, the
19 incidence of harassment or bullying of each type, and
20 trend data for the previous five years indicating
21 whether the incidence of each type has increased or
22 decreased. The board and the authorities shall approve
23 the report for publication by December 1. The board
24 and the authorities shall make copies of the report
25 available to the public upon request.

26 c. The department shall annually provide the most
27 recent annual report by the department on statewide
28 bullying and harassment data to the board and the
29 authorities in a format which can be posted on the
30 school district's or school's internet site, which
31 shall then be posted by the board and authorities.

32 NEW SUBSECTION. 9. *Authority off school grounds.* A

33 school official may investigate and impose school
34 discipline or take other action in the case of an
35 alleged incident of harassment or bullying, including
36 cyberbullying, that occurs outside of school, off of
37 school property, or away from a school function or
38 school-sponsored activity if all of the following
39 apply:

40 a. A parent, guardian, student, school employee,
41 or volunteer reports an incident of harassment or
42 bullying pursuant to the school's policy adopted under
43 subsection 3, paragraph "e".

44 b. The alleged incident of harassment or bullying
45 has an effect on school grounds that creates an
46 objectively hostile school environment that meets one
47 or more of the conditions set out under subsection 2,
48 paragraph "b".

49 NEW SUBSECTION. 10. *Rulemaking authority.* The
50 department of education may adopt rules necessary to

1 administer this section in a uniform way across the
2 state.

3 Sec. 10. Section 282.18, subsection 11, Code 2014,
4 is amended to read as follows:

5 11. A pupil who participates in open enrollment
6 for purposes of attending a grade in grades nine
7 through twelve in a school district other than the
8 district of residence is ineligible to participate
9 in varsity interscholastic athletic contests and
10 athletic competitions during the pupil's first ninety
11 school days of enrollment in the district except that
12 the pupil may participate immediately in a varsity
13 interscholastic sport if the pupil is entering grade
14 nine for the first time and did not participate in
15 an interscholastic athletic competition for another
16 school or school district during the summer immediately
17 following eighth grade, if the district of residence
18 and the other school district jointly participate
19 in the sport, if the sport in which the pupil wishes
20 to participate is not offered in the district of
21 residence, if the pupil chooses to use open enrollment
22 to attend school in another school district because
23 the district in which the student previously attended
24 school was dissolved and merged with one or more
25 contiguous school districts under section 256.11,
26 subsection 12, if the pupil participates in open
27 enrollment because the pupil's district of residence
28 has entered into a whole grade sharing agreement
29 with another district for the pupil's grade, ~~or~~ if
30 the parent or guardian of the pupil participating
31 in open enrollment is an active member of the armed
32 forces and resides in permanent housing on government
33 property provided by a branch of the armed services,
34 or if the district of residence determines that the
35 pupil was previously subject to a founded incident of
36 harassment or bullying as defined in section 280.28
37 while attending school in the district of residence.

38 A pupil who has paid tuition and attended school, or
39 has attended school pursuant to a mutual agreement
40 between the two districts, in a district other than
41 the pupil's district of residence for at least one
42 school year is also eligible to participate immediately
43 in interscholastic athletic contests and athletic
44 competitions under this section, but only as a member
45 of a team from the district that pupil had attended.
46 For purposes of this subsection, "*school days of*
47 *enrollment*" does not include enrollment in summer
48 school. For purposes of this subsection, "*varsity*"
49 means the same as defined in section 256.46.>

50 2. Title page, by striking lines 2 through 6 and

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Page 6

1 inserting <antibullying policies and providing for
2 training on harassment and bullying prevention.>

By DAVID JOHNSON

S-5074 FILED MARCH 17, 2014

LOST

SENATE FILE 2318

S-5075

1 Amend Senate File 2318 as follows:

2 1. Page 5, line 6, after <response> by inserting
3 <and free speech as defined by the first amendment of
4 the Constitution of the United States and Article I,
5 section 7 of the Constitution of the State of Iowa>

6 2. Page 5, line 17, by striking <and reporting> and
7 inserting <reporting>

8 3. Page 5, line 18, by striking <department> and
9 inserting <department, and free speech as defined by
10 the first amendment of the Constitution of the United
11 States and Article I, section 7 of the Constitution of
12 the State of Iowa>

13 4. Page 5, line 24, after <prevention> by inserting
14 <and free speech as defined by the first amendment of
15 the Constitution of the United States and Article I,
16 section 7 of the Constitution of the State of Iowa>

By MARK CHELGREN

BRAD ZAUN

JACK WHITVER

S-5075 FILED MARCH 17, 2014

RULED OUT OF ORDER

HOUSE FILE 2230

S-5070

1 Amend House File 2230, as passed by the House, as
2 follows:

3 1. Page 1, after line 26 by inserting:

4 <Sec. ____ . EFFECTIVE UPON ENACTMENT. This Act,
5 being deemed of immediate importance, takes effect upon
6 enactment.>

7 2. Title page, line 3, after <land> by inserting <,
8 and including effective date provisions>

9 3. By renumbering as necessary.

By RICH TAYLOR

S-5070 FILED MARCH 17, 2014

S-5072

1 Amend House File 2366, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 44.4, subsection 1, Code 2014,
5 is amended to read as follows:

6 1. Nominations made pursuant to this chapter and
7 chapter 45 which are required to be filed in the office
8 of the state commissioner shall be filed in that office
9 not more than ninety-nine days nor later than 5:00 p.m.
10 on the eighty-first day before the date of the general
11 election to be held in November. Nominations made for
12 a special election called pursuant to section 69.14
13 shall be filed by 5:00 p.m. not less than twenty-five
14 days before the date of an election called upon at
15 least forty days' notice and not less than fourteen
16 days before the date of an election called upon at
17 least eighteen days' notice. Nominations made for a
18 special election called pursuant to section 69.14A
19 shall be filed by 5:00 p.m. not less than twenty-five
20 days before the date of the election. Nominations
21 made pursuant to this chapter and chapter 45 which are
22 required to be filed in the office of the commissioner
23 shall be filed in that office not more than ninety-two
24 days nor later than 5:00 p.m. on the sixty-ninth day
25 before the date of the general election. Nominations
26 made pursuant to this chapter or chapter 45 for city
27 office shall be filed not more than seventy-two days
28 nor later than 5:00 p.m. on the forty-seventh day
29 before the city election with the city clerk county
30 commissioner of elections responsible under section
31 47.2 for conducting elections held for the city, who
32 shall process them as provided by law.

33 Sec. _____. Section 44.4, subsection 2, paragraph a,
34 subparagraphs (2) and (3), Code 2014, are amended to
35 read as follows:

36 (2) Those filed with the commissioner, not less
37 than sixty-four days before the date of the election,
38 except as provided in subparagraph (3).

39 (3) Those filed with the city clerk commissioner
40 for an elective city office, at least forty-two
41 days before the regularly scheduled or special
42 city election. However, for those cities that may
43 be required to hold a primary election, at least
44 sixty-three days before the regularly scheduled or
45 special city election.

46 Sec. _____. Section 44.7, Code 2014, is amended to
47 read as follows:

48 44.7 Hearing before commissioner.

49 Objections Except as otherwise provided in section
50 44.8, objections filed with the commissioner shall be

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1 considered by the county auditor, county treasurer,
2 and county attorney, and a majority decision shall
3 be final; ~~but~~. However, if the objection is to the
4 certificate of nomination of one or more of the above
5 named county officers, the officer or officers objected
6 to shall not pass upon the objection, but their places
7 shall be filled, respectively, by the chairperson of
8 the board of supervisors, the sheriff, and the county
9 recorder.

10 Sec. _____. Section 44.8, Code 2014, is amended to
11 read as follows:

12 44.8 Hearing before mayor.

13 1. Objections filed with the city clerk pursuant to
14 section 362.4 or with the commissioner for an elective
15 city office shall be considered by the mayor and clerk
16 and one member of the council chosen by the council
17 by ballot, and a majority decision shall be final;
18 ~~but~~. However, if the objection is to the certificate
19 of nomination of either of those city officials, that
20 official shall not pass upon ~~said~~ the objection, but
21 the official's place shall be filled by a member of the
22 council against whom no such objection exists, chosen
23 as above provided.

24 2. The hearing shall be held within twenty-four
25 hours of the receipt of the objection if a primary
26 election must be held for the office sought by the
27 candidate against whom the objection has been filed.

28 Sec. _____. Section 44.9, subsections 2 and 6, Code
29 2014, are amended to read as follows:

30 2. In the office of the proper commissioner, at
31 least sixty-four days before the date of the election,
32 except as otherwise provided in subsection 6.

33 6. In the office of the proper ~~city clerk~~
34 commissioner, at least forty-two days before the
35 regularly scheduled or special city election. However,
36 for those cities that may be required to hold a primary
37 election, at least sixty-three days before a regularly
38 scheduled or special city election.

39 Sec. _____. Section 44.11, Code 2014, is amended to
40 read as follows:

41 44.11 Vacancies filled.

42 If a candidate named under this chapter withdraws
43 before the deadline established in section 44.9,
44 declines a nomination, or dies before election day, or
45 if a certificate of nomination is held insufficient or
46 inoperative by the officer with whom it is required
47 to be filed, or in case any objection made to a
48 certificate of nomination, or to the eligibility of any
49 candidate named in the certificate, is sustained by
50 the board appointed to determine such questions, the

1 vacancy or vacancies may be filled by the convention,
2 or caucus, or in such manner as such convention
3 or caucus has previously provided. The vacancy or
4 vacancies shall be filled not less than seventy-four
5 days before the election in the case of nominations
6 required to be filed with the state commissioner, not
7 less than sixty-four days before the election in the
8 case of nominations required to be filed with the
9 commissioner, not less than thirty-five days before
10 the election in the case of nominations required to be
11 filed in the office of the school board secretary, and
12 not less than forty-two days before the election in the
13 case of nominations required to be filed with the ~~city~~
14 ~~clerk~~ commissioner for city elections.>

15 2. Page 1, line 33, after <election.> by inserting
16 <If the council fails to make an appointment within
17 sixty days as required by this subsection, the city
18 clerk shall give notice of the vacancy to the county
19 commissioner and the county commissioner shall
20 call a special election to fill the vacancy at the
21 earliest practicable date but no fewer than thirty-two
22 days after the notice is received by the county
23 commissioner.>

24 3. Page 3, after line 7 by inserting:
25 <Sec. ____ . Section 376.4, subsection 1, paragraph
26 a, Code 2014, is amended to read as follows:
27 a. An eligible elector of a city may become a
28 candidate for an elective city office by filing
29 with the ~~city clerk~~ county commissioner of elections
30 responsible under section 47.2 for conducting elections
31 held for the city a valid petition requesting that the
32 elector's name be placed on the ballot for that office.
33 The petition must be filed not more than seventy-one
34 days and not less than forty-seven days before the
35 date of the election, and must be signed by eligible
36 electors equal in number to at least two percent of
37 those who voted to fill the same office at the last
38 regular city election, but not less than ten persons.
39 However, for those cities which may be required to hold
40 a primary election, the petition must be filed not more
41 than eighty-five days and not less than sixty-eight
42 days before the date of the regular city election.
43 Nomination petitions shall be filed not later than 5:00
44 p.m. on the last day for filing.

45 Sec. ____ . Section 376.4, subsections 3, 4, and 5,
46 Code 2014, are amended to read as follows:

47 3. ~~If the city clerk is not readily available~~
48 ~~during normal office hours, the city clerk shall~~
49 ~~designate other employees or officials of the city who~~
50 ~~are ordinarily available to accept nomination papers~~

1 ~~under this section.~~ On the final date for filing
2 nomination papers the office of the ~~city clerk~~ county
3 commissioner shall remain open until 5:00 p.m.

4 4. The ~~city clerk~~ county commissioner shall
5 review each petition and affidavit of candidacy
6 for completeness following the standards in section
7 45.5 and shall accept the petition for filing if on
8 its face it appears to have the requisite number of
9 signatures and if it is timely filed. The ~~city clerk~~
10 county commissioner shall note upon each petition and
11 affidavit accepted for filing the date and time that
12 they were filed. The ~~clerk~~ county commissioner shall
13 return any rejected nomination papers to the person on
14 whose behalf the nomination papers were filed.

15 5. Nomination papers filed with the ~~city clerk~~
16 county commissioner shall be available for public
17 inspection.

18 5A. The city clerk shall deliver ~~all nomination~~
19 ~~papers together with~~ the text of any public measure
20 being submitted by the city council to the electorate
21 to the county commissioner of elections ~~on the~~
22 ~~day following~~ no later than the last day on which
23 nomination petitions can be filed, and not later than
24 5:00 p.m. on that day.

25 Sec. _____. Section 376.11, subsections 3, 4, and 5,
26 Code 2014, are amended to read as follows:

27 3. In city primary elections any person who
28 receives write-in votes shall execute an affidavit in
29 substantially the form required by section 45.3, and
30 file it with the county commissioner of elections ~~or~~
31 ~~the city clerk~~ not later than 5:00 p.m. on the day
32 after the canvass of the primary election. If any
33 person who received write-in votes fails to file the
34 affidavit at the time required, the county commissioner
35 shall disregard the write-in votes cast for that
36 person. A notation shall be made on the abstract of
37 votes showing which persons who received write-in
38 votes filed affidavits. The total number of votes
39 cast for each office on the ballot shall be amended
40 by subtracting the write-in votes of those candidates
41 who failed to file the affidavit. It is not necessary
42 for a candidate whose name was printed upon the ballot
43 to file an affidavit. Of the remaining candidates,
44 those who receive the highest number of votes to the
45 extent of twice the number of unfilled positions shall
46 be placed on the ballot for the regular city election
47 as candidates for that office.

48 4. In cities in which the city council has chosen a
49 runoff election in lieu of a primary, if a person who
50 was elected by write-in votes chooses not to accept the

1 office by filing a resignation notice with the ~~city~~
2 ~~clerk or~~ commissioner of elections not later than 5:00
3 p.m. on the day following the canvass, all remaining
4 persons who received write-in votes and who wish
5 to be considered candidates for the runoff election
6 shall execute an affidavit in substantially the form
7 required by section 45.3 and file it with the county
8 commissioner ~~or the city clerk~~ not later than 5:00 p.m.
9 of the fourth day following the canvass. If a person
10 receiving write-in votes fails to file the affidavit
11 at the time required, the county commissioner of
12 elections shall disregard the write-in votes cast for
13 that person. The abstract of votes shall be amended to
14 show that the person who was declared elected declined
15 the office and a notation shall be made next to the
16 names of those persons who did not file the affidavit.
17 A runoff election shall be held with the remaining
18 candidates who have the highest number of votes to the
19 extent of twice the number of unfilled positions.

20 5. In a city in which the council has chosen a
21 runoff election, if no person was declared elected for
22 an office, all persons who received write-in votes
23 shall execute an affidavit in substantially the form
24 required by section 45.3 and file it with the county
25 commissioner of elections ~~or the city clerk~~ not later
26 than 5:00 p.m. on the day following the canvass of
27 votes. If any person who received write-in votes fails
28 to file the affidavit, the county commissioner of
29 elections shall disregard the write-in votes cast for
30 that person. The abstract of votes shall be amended to
31 note which of the write-in candidates failed to file
32 the affidavit. A runoff election shall be held with
33 the remaining candidates who have the highest number
34 of votes to the extent of twice the number of unfilled
35 positions.>

36 4. By renumbering, redesignating, and correcting
37 internal references as necessary.

COMMITTEE ON STATE GOVERNMENT
JEFF DANIELSON, CHAIRPERSON

HOUSE FILE 2387

1 Amend House File 2387, as passed by the House, as
2 follows:

3 1. Page 1, line 27, after <mail> by inserting <and
4 first class mail>

By ROBERT M. HOGG

HOUSE FILE 2388

S-5071

1 Amend House File 2388, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 7, after <child> by inserting
4 <adjudicated under chapter 232 or>
5 2. Page 1, line 13, after <child> by inserting
6 <adjudicated under chapter 232 or>
7 3. Page 1, line 17, after <children> by inserting
8 adjudicated or>
9 4. Page 1, line 20, after <in> by inserting
10 <adjudicated under chapter 232 or>
11 5. Page 1, line 22, after <in> by inserting
12 <adjudicated under chapter 232 or>
13 6. Page 1, line 29, after <child> by inserting
14 <adjudicated under chapter 232 or>
15 7. Page 1, line 32, after <child> by inserting
16 <adjudicated under chapter 232 or>
17 8. Page 2, line 11, after <child> by inserting
18 <adjudicated under chapter 232 or>
19 9. Page 2, line 15, after <child> by inserting
20 <adjudicated under chapter 232 or>
21 10. Page 2, line 20, after <children> by inserting
22 <adjudicated under chapter 232 or>
23 11. Page 2, line 25, after <child> by inserting
24 <adjudicated under chapter 232 or>
25 12. Title page, line 1, after <children> by
26 inserting <adjudicated under the juvenile justice law
27 or>

By RITA HART

S-5071 FILED MARCH 17, 2014
ADOPTED



SF 2269 – School Finance, Shared Operational Functions (LSB 5731SV)
Analyst: Shawn Snyder (Phone: (515) 281-7799) (shawn.snyder@legis.iowa.gov)
Fiscal Note Version – Corrected

Description

Senate File 2269 modifies the current shared operational functions supplementary weighting provision to change the weighting structure to provide funding on a per function basis. Additionally, this Bill reduces the number of functions that are eligible to receive the incentive funding.

Background

The shared operational functions provision was originally enacted in 2007 and implemented in FY 2008 through FY 2014. This provision provided supplementary weighting for superintendent management, business management, human resources, transportation, or operation and maintenance, and phased-out funding over a five-year period. During the 2013 Legislative Session, **HF 472** was enacted and created a new provision for shared operational functions, including an expansion of the eligible functions.

Based on the increased interest by school districts in the new provision and potential fiscal impact, the Department of Education established administrative rules that required district staffing levels for the specific shared function to remain at or below the staffing levels in the baseline year (designated as FY 2013 by the Department) for a district to be eligible to receive the supplementary weighing. The Administrative Rules Committee placed a session delay on the rules. However, the supplementary weighting for shared operational functions data was collected by the Department of Education based on the proposed rules. Based on this data, the current level of supplementary weighting included in the FY 2015 school aid estimate totals 4,345.19. Additionally, the current FY 2015 school aid estimate includes \$27.8 million for this provision, including \$24.4 million in State aid.

Assumptions

Assumptions include:

- Changes in the provision will be implemented for FY 2015.
- Estimates are based on the Department of Education's Fall data collection and include functions that were not approved based on the Department's proposed rules.
- The amount of total weighting beginning in FY 2016 through FY 2020 is unknown, but will be at least at the FY 2015 level.
- The maximum level of weighting any district could generate totals 18.0 and the statewide funding level could total \$39.9 million if all districts are at the maximum weighting level (including \$35.0 million in State aid). The maximum funding level may increase with enactment of the State percent of growth in future fiscal years.
- In addition to impacting supplementary weighting provisions for school districts, the AEA's will have the shared operational functions supplementary weighting provision modified. Based on the new provision, funding generated from the shared operational functions provision will decrease from \$200,000 to \$30,000 for participating AEA's.
- The FY 2015 funding level changes resulting from this Bill will be compared to current estimated included in the FY 2015 school aid estimate.

Fiscal Impact

Based on this Bill, the FY 2015 supplementary weighting will generate an estimated total of \$11.3 million including \$9.9 million in State aid and \$1.4 million in local property taxes. This will be a reduction in the total of \$16.5 million, including \$14.6 million in State aid and \$2.0 million in property taxes compared to the current FY 2015 school aid estimate.

The estimated impact in FY 2016 through FY 2020 is unknown, but will be at least at the level of FY 2015. Additionally, the maximum capacity funding level beginning in FY 2016 will be approximately \$39.9 million, including \$35.0 million in State aid and \$4.9 million in local property taxes.

Additionally, compared to current estimates for FY 2015, the estimated FY 2015 funding for AEAs will decrease by a total of \$510,000, including a reduction of \$403,000 in State aid and a reduction of \$107,000 in local property taxes.

Sources

Iowa Department of Education
Iowa Department of Management, School Aid file
LSA analysis and calculations

/s/ Holly M. Lyons

March 17, 2014

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



SF 2337 – Child and Dependent Care Tax Credit (LSB 5581SV)
Analyst: Jeff Robinson (Phone: (515) 281-4614) (jeff.robinson@legis.iowa.gov)
Fiscal Note Version – New

Description

Senate File 2337 makes changes to the existing Iowa Child and Dependent Care Tax Credit. Increases each of the seven adjusted gross income (AGI) brackets. Under current law, the top qualifying AGI level is \$45,999. Under this Bill, the top level is \$67,409.

- Indexes the income brackets for inflation going forward.
- Raises the Iowa tax credit percentage for each of the seven AGI brackets. Under current law, the credit ranges from 30.0% of the federal credit amount to 75.0%. Under this Bill, the credit percentage ranges from 37.5% to 93.75%.
- Modifies the requirement that the Iowa Child and Dependent Care Tax Credit be calculated as a function of the federal tax credit. Under the federal calculation, the tax credit can be limited by a lack of federal tax liability for the taxpayer. The change will allow the taxpayer to benefit from the full Iowa tax credit even in instances where they were not allowed the full calculated federal credit due to insufficient federal tax liability.

The changes are retroactive to January 1, 2014 (tax year 2014).

Assumptions

The income tax reduction associated with the Bill's enhancements to the existing Child and Dependent Care Tax Credit was estimated using the Department of Revenue individual income tax micro-model. The conversion of tax year impacts to State General Fund fiscal year impacts was completed using historical patterns of income tax withholding, estimates, final returns, and refunds.

Fiscal Impact

This Bill's enhancements to the Child and Dependent Care Tax Credit are projected to reduce net General Fund revenue by the following amounts:

- FY 2014 = \$0.1 million
- FY 2015 = \$9.1 million
- FY 2016 and after = \$9.0 million

Source

Department of Revenue

/s/ Holly M. Lyons

March 17, 2014