

PROOF

STATE OF IOWA

House Journal

TUESDAY, MAY 10, 2005

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JOURNAL OF THE HOUSE

One Hundred Twenty-first Calendar Day - Seventy-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 10, 2005

The House met pursuant to adjournment at 8:47 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Rod Roberts, state representative from Carroll County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, May 9, 2005 was approved.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-six members present, fourteen absent.

SENATE AMENDMENT CONSIDERED

May of Dickinson called up for consideration [House File 828](#), a bill for an act relating to aquatic regulations and activities, including aquatic invasive species, the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1632](#):

[H-1632](#)

- 1 Amend [House File 828](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 20, by striking the word "[thirty](#)"
- 4 and inserting the following: "[thirty-six](#)".
- 5 2. Page 2, line 27, by striking the word "[sixty](#)"

6 and inserting the following: "seventy-five".
 7 3. Page 2, by striking line 29 and inserting the
 8 following: "more, one hundred fifty dollars."

The motion prevailed and the House concurred in the Senate amendment [H-1632](#).

May of Dickinson moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 828](#))

The ayes were, 53:

Alons	Anderson	Arnold	Bell
Boal	Carroll	Chambers	De Boef
Dolecheck	Elgin	Freeman	Frevert
Gaskill	Gipp	Granzow	Heaton
Hoffman	Hogg	Horbach	Huseman
Huser	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kressig	Kurtenbach
Lensing	Lykam	Maddox	Mascher
May	Oldson	Olson, S.	Petersen
Rasmussen	Rayhons	Roberts	Schickel
Schueller	Shoultz	Soderberg	Taylor, D.
Tomenga	Tymeson	Upmeyer	Van Fossen, J.K.
Watts	Whitead	Wilderdyke	Winckler
Mr. Speaker			
Rants			

The nays were, 43:

Baudler	Berry	Bukta	Cohoon
Dandekar	Davitt	Dix	Drake
Fallon	Foege	Greiner	Heddens
Hunter	Hutter	Lukan	Kaufmann
Kuhn	Lalk	Mertz	Miller
Murphy	Olson, D.	Paulsen	Pettengill
Quirk	Raecker	Reasoner	Reichert
Sands	Shomshor	Smith	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Van Engelenhoven	Van Fossen, J.R.	Wendt	Wessel-Kroeschell
Whitaker	Wise	Zirkelbach	

Absent or not voting, 4:

Eichhorn	Ford	McCarthy	Olson, R.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 828](#) be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Tymeson of Madison called up for consideration [House File 761](#), a bill for an act relating to children's programs by collocating early childhood programs available through the community empowerment initiative and requiring the department of human services to develop and implement a voluntary child care quality rating system, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1634](#):

[H-1634](#)

1 Amend [House File 761](#), as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "DIVISION I
6 IOWA EMPOWERMENT BOARD
7 Section 1. Section 28.2, subsection 3, Code 2005,
8 is amended to read as follows:
9 3. To achieve the initial set of desired results,
10 the initiative's primary focus shall first be on the
11 efforts of the state and communities to work together
12 to improve the efficiency and effectiveness of early
13 care, education, health, and human services provided
14 to families with children from birth through age five
15 years.
16 Sec. 2. Section 28.3, subsections 1 and 2, Code
17 2005, are amended to read as follows:
18 1. An Iowa empowerment board is created to
19 facilitate state and community efforts involving
20 community empowerment areas, including strategic
21 planning, funding identification, and guidance, and to
22 promote collaboration among state and local early
23 care, education, health, and human services programs.
24 2. The Iowa board shall consist of eighteen voting
25 members with thirteen citizen members and five state
26 agency members. The five state agency members shall
27 be the directors of the following departments:
28 economic development, education, human rights, human
29 services, and public health. The thirteen citizen

30 members shall be appointed by the governor, subject to
31 confirmation by the senate. The governor's
32 appointments of citizen members shall be made in a
33 manner so that each of the state's congressional
34 districts is represented by two citizen members and so
35 that all the appointments as a whole reflect the
36 ethnic, cultural, social, and economic diversity of
37 the state. ~~The governor's appointees shall be~~
38 ~~selected from individuals nominated by community~~
39 ~~empowerment area boards. The nominations shall~~
40 ~~reflect the range of interests represented on the~~
41 ~~community boards so that the~~ The governor is able to
42 shall appoint one or more members each for early care,
43 education, health, human services, business, faith,
44 and public interests. At least one of the citizen
45 members shall be a service consumer or the parent of a
46 service consumer. Terms of office of all citizen
47 members are three years. A vacancy on the board shall
48 be filled in the same manner as the original
49 appointment for the balance of the unexpired term.
50 Sec. 3. Section 28.3, subsection 5, Code 2005, is

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1 amended to read as follows:

2 5. A community empowerment assistance team or
3 teams of state agency representatives shall be
4 designated to provide technical assistance and other
5 support to community empowerment areas and for the
6 board's efforts to address early care, education,
7 health, and human services. A technical assistance
8 system shall be developed using local representatives
9 of the state agencies represented on the Iowa board
10 and other state agencies and individuals involved with
11 local ~~community empowerment areas~~ early care,
12 education, health, and human services. ~~The technical~~
13 ~~assistance shall be available in at least three levels~~
14 ~~of support as follows:~~

15 a. ~~Support to areas experienced in operating an~~
16 ~~innovation zone or decategorization project with an~~
17 ~~extensive record of success in collaboration between~~
18 ~~education, health, or human services interests.~~
19 b. ~~Support to areas experienced in operating an~~
20 ~~innovation zone or decategorization project.~~
21 c. ~~Support to areas forming an initial community~~
22 ~~empowerment area with no previous experience operating~~
23 ~~an innovation zone or decategorization project.~~

24 Sec. 4. Section 28.3, subsection 6, paragraph b,
25 Code 2005, is amended to read as follows:

26 b. In addition, a community empowerment office is
27 established as a division of the department of
28 management to provide a center for facilitation,

29 communication, and coordination for community
30 empowerment activities and funding and for improvement
31 of the early care, education, health, and human
32 services systems. Staffing for the community
33 empowerment office shall be provided by a facilitator
34 appointed by the governor, subject to confirmation by
35 the senate, and who serves at the pleasure of the
36 governor. A deputy and support staff may be
37 designated, subject to appropriation made for this
38 purpose. The facilitator shall submit reports to the
39 governor, the Iowa board, and the general assembly.
40 The facilitator shall provide primary staffing to the
41 board, coordinate state technical assistance
42 activities and implementation of the technical
43 assistance system, and other communication and
44 coordination functions to move authority and decision-
45 making responsibility from the state to communities
46 and individuals.
47 Sec. 5. Section 28.3, Code 2005, is amended by
48 adding the following new subsection:
49 NEW SUBSECTION. 6A. The director of the
50 department of management shall appoint an early care

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1 coordinator to coordinate efforts to improve early
2 care of young children. The coordinator shall work
3 with the community empowerment initiative and with the
4 shared visions program and other efforts to address
5 child development that are provided under the auspices
6 of the child development coordinating council under
7 chapter 256A. The coordinator shall serve as a member
8 of the community empowerment assistance team. The
9 coordinator's duties shall include but are not limited
10 to all of the following:
11 a. Developing and disseminating measures for
12 assessing the outcomes produced by the programs and
13 other efforts of the department of education and the
14 community empowerment initiative to improve early care
15 of young children, including but not limited to shared
16 visions and other programs provided under the auspices
17 of the child development coordinating council, high-
18 quality preschool programs, head start programs, and
19 school ready children grant programs. The initial
20 measures utilized shall be the individual growth and
21 development indicators developed by the early
22 childhood research institute on measuring growth and
23 development or other measures of high quality to be
24 authorized by law.
25 b. Collecting, interpreting, and redisseminating
26 data collected from the measures for assessing
27 outcomes under paragraph "a". Factors subject to

28 interpretation may include area demographics, relative
29 expenditures, collaboration between programs in an
30 area, and other factors impacting the outcomes
31 produced by an individual program.

32 c. Annually issuing a report to the governor and
33 general assembly regarding the outcomes produced by
34 individual programs.

35 Sec. 6. Section 28.4, subsection 4, Code 2005, is
36 amended to read as follows:

37 4. Identify boards, commissions, committees, and
38 other bodies in state government with overlapping and
39 similar purposes which contribute to redundancy and
40 fragmentation in early care, education, health, and
41 human services programs provided to the public. The
42 board shall also make recommendations and provide an
43 annually updated strategic plan to the governor and
44 general assembly as appropriate for increasing
45 coordination between these bodies, for eliminating
46 bureaucratic duplication, for consolidation where
47 appropriate, ~~and for improving the efficiency of~~
48 working with federally mandated bodies, for
49 integration of services and service quality functions
50 to achieve improved results, and for integration of

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1 state-administered funding streams directed to
2 community empowerment areas and other community-based
3 efforts for providing early care, education, health,
4 and human services.

5 Sec. 7. Section 28.4, subsection 12, Code 2005, is
6 amended by striking the subsection and inserting in
7 lieu thereof the following:

8 12. Integrate statewide quality standards and
9 results indicators adopted by other boards and
10 commissions into the Iowa empowerment board's funding
11 requirements for investments in early care, education,
12 health, and human services.

13 Sec. 8. Section 28.4, Code 2005, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 13. With the assistance of the
16 state departments represented on the Iowa empowerment
17 board and the community empowerment office, develop
18 and implement requirements for community empowerment
19 areas and the state administrators of programs
20 providing early care or early care services to
21 annually report to the public and the early care
22 coordinator regarding the results produced by the
23 community empowerment initiative and by the programs.
24 Source data shall be made available to the early care
25 coordinator.

26 Sec. 9. Section 28.5, subsection 1, Code 2005, is

27 amended to read as follows:

28 1. The purpose of a community empowerment area is
29 to enable local citizens to lead collaborative efforts
30 involving early care, education, health, and human
31 services programs on behalf of the children, families,
32 and other citizens residing in the area. Leadership
33 functions may include but are not limited to strategic
34 planning for and oversight and managing of such
35 programs and the funding made available to the
36 community empowerment area for such programs from
37 federal, state, local, and private sources. The
38 initial focus of the purpose is to improve results for
39 families with young children.

40 Sec. 10. Section 28.6, subsection 1, paragraph a,
41 Code 2005, is amended to read as follows:

42 a. Community empowerment area functions shall be
43 performed under the authority of a community
44 empowerment area board. A majority of the members of
45 a community board shall be elected officials and
46 members of the public who are not employed by a
47 provider of services to or for the community board.
48 At least one member shall be a service consumer or the
49 parent of a service consumer. Terms of office of
50 community board members shall be not more than three

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1 years and the terms shall be staggered. The
2 membership of a community empowerment area board shall
3 include members with early care, education, health,
4 human services, business, faith, and public interests.

5 Sec. 11. Section 28.8, subsection 5, paragraph a,
6 Code 2005, is amended to read as follows:

7 a. A school ready children grant shall be awarded
8 to a community board for a three-year period, with
9 annual payments made to the community board. The Iowa
10 empowerment board may grant an extension from the
11 award date and any application deadlines based upon
12 the award date, to allow for a later implementation
13 date in the initial year in which a community board
14 submits a comprehensive school ready grant plan to the
15 Iowa empowerment board. However, receipt of continued
16 funding is subject to submission of the required
17 annual report and the Iowa board's determination that
18 the community board is measuring, through the use of
19 performance and results indicators developed by the
20 Iowa board with input from community boards, progress
21 toward and is achieving the desired results identified
22 in the grant plan. If progress is not measured
23 through the use of performance and results indicators
24 toward achieving the identified results, that grant
25 shall not receive any increase in funding from the

26 state and the Iowa board may request a plan of
27 corrective action or may withdraw grant funding.
28 Sec. 12. Section 28.8, subsection 5, paragraph c,
29 unnumbered paragraph 1, Code 2005, is amended to read
30 as follows:

31 A community board's readiness shall be ascertained
32 by evidence of successful collaboration among public
33 or private early care, education, ~~human services, or~~
34 health, or human services interests or a documented
35 program design evincing a strong likelihood of leading
36 to a successful collaboration between these interests.
37 Other criteria which may be used by the Iowa board to
38 ascertain readiness and to determine funding amounts
39 include one or more of the following:

40 Sec. 13. Section 28.8, subsection 5, Code 2005, is
41 amended by adding the following new paragraph:
42 NEW PARAGRAPH. e. The Iowa empowerment board
43 shall establish and implement limits on the
44 carryforward of school ready children grant funding
45 that has been identified by the department of
46 management as being an unreasonably high amount,
47 including provision for redistribution or other
48 redirection of the funding.

49 Sec. 14. NEW SECTION. 28.10 EARLY CHILDHOOD AND
50 EARLY CARE.

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1 1. The Iowa empowerment board shall provide for
2 the operation of an internet webpage for purposes of
3 widely distributing early childhood and early care
4 information provided by the departments represented on
5 the board and the public and private agencies
6 addressing early childhood and early care issues.

7 2. Information provided on the internet webpage
8 shall include but is not limited to all of the
9 following:

10 a. The early learning standards for children ages
11 three to five proposed by the early learning standards
12 group created pursuant to federal child care and
13 development block grant requirements and with
14 assistance from the Iowa child care and early
15 education network, department of education, department
16 of human services, Iowa head start association, and
17 Iowa state university of science and technology, as
18 integrated with standards and recommendations issued
19 by the United States department of education regarding
20 early childhood cognitive development and learning and
21 preschool and research-based standards for high-
22 quality early care, including but not limited to the
23 practices identified by the institute of education
24 sciences of the United States department of education.

25 As early learning standards are identified in law, the
26 proposed standards posted on the webpage shall be
27 replaced with the standards identified in law.
28 b. A link to a special webpage directed to
29 parents, including parent-specific information on
30 early childhood and early care, information regarding
31 the tuition tax credit for early childhood development
32 expenses under section 422.12, and links to other
33 resources available on the internet and from other
34 sources.
35 c. Program standards for early childhood or early
36 care that have been approved by state agencies.
37 3. The Iowa empowerment board shall include
38 information regarding the extent and frequency of
39 usage of the webpage or webpages in the board's annual
40 report to the governor and general assembly.
41 Sec. 15. NEW SECTION. 279.60 KINDERGARTEN
42 ASSESSMENT.
43 Each school district shall administer the dynamic
44 indicators of basic early literacy skills kindergarten
45 benchmark assessment to every kindergarten student
46 enrolled in the district not later than October 1.
47 The school district shall also collect information
48 from each parent, guardian, or legal custodian of a
49 kindergarten student enrolled in the district,
50 including but not limited to whether the student

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1 attended preschool, factors identified by the early
2 care coordinator pursuant to section 28.3, and other
3 demographic factors. Each school district shall
4 report the results of the assessment and the preschool
5 information collected to the department of education
6 in the manner prescribed by the department not later
7 than January 1 of that school year. The early care
8 coordinator appointed pursuant to section 28.3 shall
9 have access to the raw data. The department shall
10 review the information submitted pursuant to this
11 section and shall submit its findings and
12 recommendations annually in a report to the governor,
13 the general assembly, the Iowa empowerment board, and
14 the community empowerment area boards.

15 DIVISION II

16 CHILD CARE QUALITY RATING

17 Sec. 16. Section 237A.30, Code 2005, is amended by
18 striking the section and inserting in lieu thereof the
19 following:

20 237A.30 CHILD CARE QUALITY RATING SYSTEM.

21 1. The department shall work with the community
22 empowerment office of the department of management
23 established in section 28.3 and the state child care

24 advisory council in designing and implementing a
25 quality rating system for each provider type of child
26 care facility.
27 2. The quality rating system shall be voluntary
28 and composed of multiple ratings based upon the rating
29 criteria adopted for the system. The initial system
30 shall provide for five levels; however, the department
31 may periodically revise the system to change the
32 number of levels and make other changes to improve the
33 system. The department shall identify the period for
34 which a rating is awarded and the means by which a
35 rating may be withdrawn or modified.
36 3. The criteria utilized for the rating system may
37 include but are not limited to any of the following:
38 facility type; provider staff experience, education,
39 training, and credentials; facility director education
40 and training; an environmental rating score or other
41 direct assessment environmental methodology; national
42 accreditation; facility history of compliance with law
43 and rules; child-to-staff ratio; curriculum, including
44 the extent to which the curriculum focuses on the
45 stages of child development and on child outcomes;
46 business practices; staff retention rates; evaluation
47 of staff members and program practices; staff
48 compensation and benefit practices; provider and staff
49 membership in professional early childhood
50 organizations; and parental involvement with the

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1 facility.
2 4. The department may directly administer or
3 contract for the administration of the quality rating
4 system. A facility's quality rating may be included
5 on the internet page and in the consumer information
6 provided by the department pursuant to section 237A.25
7 and shall be identified in the child care provider
8 referrals made by child care resource and referral
9 service grantees under section 237A.26.
10 5. For reimbursement paid under the state child
11 care assistance program established in section
12 237A.13, the department may implement a reimbursement
13 rate methodology applicable to child care facilities
14 participating in the rating system in which the
15 reimbursement rate varies based upon the rating of a
16 facility. A reimbursement rate methodology applicable
17 to child care facilities shall not cause a child care
18 facility to receive a lower reimbursement rate than
19 was paid under the prior methodology. In addition, as
20 part of the quality rating system, the department may
21 pay an achievement bonus to providers that are awarded
22 a quality rating.

23 Sec. 17. PHASED IMPLEMENTATION.

24 1. Effective July 1, 2005, the department of human
25 services shall no longer accept applications for the
26 gold seal quality designation for child care providers
27 under section 237A.30, Code 2005. However, if a child
28 care provider has been awarded the designation prior
29 to July 1, 2005, the designation may continue to be
30 utilized for that provider until the designated period
31 of nationally recognized accreditation for which the
32 gold seal designation was awarded has ended.

33 2. The department of human services shall commence
34 implementation of the child care quality rating system
35 under section 237A.30, as amended by this division of
36 this Act, by awarding ratings beginning on or after
37 January 1, 2006. The department may modify
38 implementation of the rating system and the rating
39 system itself as necessary to conform to the funding
40 made available for the rating system for the fiscal
41 year beginning July 1, 2005.

42 DIVISION III

43 EARLY CHILDHOOD TAX CREDIT

44 Sec. 18. Section 422.12, subsection 2, Code 2005,
45 is amended to read as follows:

46 2. a. A tuition credit equal to twenty-five
47 percent of the first one thousand dollars which the
48 taxpayer has paid to others for each dependent in
49 grades kindergarten through twelve, for tuition and
50 textbooks of each dependent in attending an elementary

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1 or secondary school situated in Iowa, which school is
2 accredited or approved under section 256.11, which is
3 not operated for profit, and which adheres to the
4 provisions of the federal Civil Rights Act of 1964 and
5 chapter 216.

6 (1) As used in this ~~subsection~~ paragraph "a",
7 "textbooks" means books and other instructional
8 materials and equipment used in elementary and
9 secondary schools in teaching only those subjects
10 legally and commonly taught in public elementary and
11 secondary schools in this state and does not include
12 instructional books and materials used in the teaching
13 of religious tenets, doctrines, or worship, the
14 purpose of which is to inculcate those tenets,
15 doctrines, or worship. "Textbooks" includes books or
16 materials used for extracurricular activities
17 including sporting events, musical or dramatic events,
18 speech activities, driver's education, or programs of
19 a similar nature. ~~Notwithstanding any other~~
20 ~~provision, all other credits allowed under this~~
21 ~~section and section 422.12B shall be deducted before~~

22 ~~the tuition credit under this subsection. The~~
23 ~~department, when conducting an audit of a taxpayer's~~
24 ~~return, shall also audit the tuition tax credit~~
25 ~~portion of the tax return.~~

26 (2) As used in this subsection paragraph "a",
27 "tuition" means any charges for the expenses of
28 personnel, buildings, equipment and materials other
29 than textbooks, and other expenses of elementary or
30 secondary schools which relate to the teaching only of
31 those subjects legally and commonly taught in public
32 elementary and secondary schools in this state and
33 which do not relate to the teaching of religious
34 tenets, doctrines, or worship, the purpose of which is
35 to inculcate those tenets, doctrines, or worship.

36 "Tuition" includes those expenses which relate to
37 extracurricular activities including sporting events,
38 musical or dramatic events, speech activities,
39 driver's education, or programs of a similar nature.

40 b. In addition to the tuition credit authorized in
41 paragraph "a", a tuition credit equal to twenty-five
42 percent of the first one thousand dollars which the
43 taxpayer has paid to others for each dependent ages
44 three through five for early childhood development
45 expenses. As used in this subsection, "early
46 childhood development expenses" means services
47 provided to the dependent by a preschool, as defined
48 in section 237A.1, materials, and other activities as
49 follows:

50 (1) Books that improve child development,

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1 including textbooks, music books, art books, teacher's
2 editions, and reading books.

3 (2) Instructional materials required to be used in
4 a child development or educational lesson activity,
5 including but not limited to paper, notebooks,
6 pencils, and art supplies.

7 (3) Lesson plans and curricula.

8 (4) Child development and educational activities
9 outside the home, including drama, art, music, and
10 museum activities, and the entrance fees for such
11 activities, but not including food or lodging,
12 membership fees, or other nonacademic expenses.

13 "Early childhood development expenses" does not
14 include services, materials, or activities for the
15 teaching of religious tenets, doctrines, or worship,
16 the purpose of which is to inculcate those tenets,
17 doctrines, or worship.

18 c. Each taxpayer intending to claim a credit under
19 paragraph "b" shall apply for the credit by filing a
20 notice with the department by January 21 following the

21 end of the tax year to which the credit is applicable.
22 The notice shall provide supporting documentation as
23 required by the department. The department shall
24 compute the total amount of credits contained in the
25 notices received by the department. The total amount
26 of credits that may be approved for any fiscal year
27 for purposes of paragraph "b" is limited to five
28 million dollars. If tax credits under paragraph "b"
29 exceed this limit, the amount of credit available to
30 each taxpayer shall be prorated. The department shall
31 notify the taxpayer of the amount of the taxpayer's
32 credit by February 28 following the deadline for
33 receipt of the notice.
34 d. Notwithstanding any other provision, all other
35 credits allowed under this section and section 422.12B
36 shall be deducted before the tuition credits under
37 this subsection. The department, when conducting an
38 audit of a taxpayer's return, shall also audit the
39 tuition tax credit portion of the tax return.
40 Sec. 19. APPLICABILITY DATE. This division of
41 this Act applies to tax years beginning on or after
42 January 1, 2006."
43 2. Title page, by striking lines 1 through 5 and
44 inserting the following: "An Act relating to
45 improvement of the early care, child care services,
46 education, health, and human services systems under
47 the oversight of the departments of education and
48 human services, the Iowa empowerment board, and the
49 child development coordinating council, expanding the
50 tuition and textbook tax credit, and providing an

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- 1 applicability date."
- 2 3. By renumbering as necessary.

The House stood at ease at 9:09 a.m., until the fall of the gavel.

The House resumed session at 10:51 a.m., Speaker Rants in the chair.

Gipp of Winneshiek asked and received unanimous consent that [House File 761](#) be deferred and that the bill retain its place on the calendar.

Gipp of Winneshiek asked unanimous consent to suspend the rules for the immediate consideration of [Senate File 342](#).

Objection was raised.

Gipp of Winneshiek moved to suspend the rules for the immediate consideration of [Senate File 342](#).

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall the rules be suspended?"

The ayes were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

The nays were, 50:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Tomenga	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach		

Absent or not voting, none.

The motion to suspend the rules lost.

The House stood at ease at 10:59 a.m., until the fall of the gavel.

The House resumed session at 11:17 a.m., Speaker Rants in the chair.

SENATE AMENDMENT CONSIDERED

The House resumed consideration of [House File 761](#), a bill for an act relating to children's programs by collocating early childhood programs available through the community empowerment initiative and requiring the department of human services to develop and implement a voluntary child care quality rating system and the Senate amendment [H-1634](#) found on pages 1768 through 1778 of the House Journal.

Hogg of Linn offered amendment [H-1639](#), to the Senate amendment [H-1634](#), filed by him from the floor and requested division as follows:

[H-1639](#)

1 Amend the Senate amendment, [H-1634](#), to House File
2 761, as amended, passed, and reprinted by the House,
3 as follows:

[H-1639A](#)

4 1. Page 8, by inserting after line 43 the
5 following:
6 "Sec.____. Section 422.12, unnumbered paragraph 1,
7 Code 2005, is amended to read as follows:
8 ~~There Except as otherwise provided in subsection 2,~~
9 ~~paragraph "b", there shall be deducted from but not to~~
10 ~~exceed the tax, after the same shall have been~~
11 ~~computed as provided in this division, the following:"~~

[H-1639B](#)

12 2. Page 10, by striking lines 29 and 30 and
13 inserting the following: "~~exceed this limit the~~
14 ~~taxpayers that shall receive the full amount of the~~
15 ~~credit shall be determined under the procedures~~
16 ~~established by rule of the department. The remaining~~
17 ~~taxpayers shall receive their credits for the~~
18 ~~subsequent fiscal year, subject to the maximum credit~~
19 ~~limitation. The department shall".~~

[H-1639A](#)

20 3. Page 10, by inserting before line 34, the
21 following:

22 "cc. Any credit under paragraph "b" that is in
23 excess of the taxpayer's tax liability shall be
24 refunded. In lieu of claiming a refund, the taxpayer
25 may elect to have the overpayment shown on the
26 taxpayer's final, completed return credited to the tax
27 liability for the following tax year."

H-1639

28 4. By renumbering as necessary.

Gipp of Winneshiek asked and received unanimous consent to defer [House File 761](#) and that the bill retain its place on the calendar. (Amendment [H-1639A](#) pending.)

SENATE AMENDMENT CONSIDERED

Paulsen of Linn called up for consideration [House File 619](#), a bill for an act relating to persons convicted of criminal offenses requiring registration on the sex offender registry or requiring an additional indeterminate sentence, establishing a sex offender registry database task force, and providing penalties, amended by the Senate amendment [H-1628](#):

H-1628

1 Amend [House File 619](#), as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "DIVISION I
6 DNA PROFILING
7 Section 1. **NEW SECTION. 81.1 DEFINITIONS.**
8 As used in this chapter, unless the context
9 otherwise requires:
10 1. "DNA" means deoxyribonucleic acid.
11 2. "DNA databank" means the repository for DNA
12 samples obtained pursuant to section 81.4.
13 3. "DNA database" means the collection of DNA
14 profiles and DNA records.
15 4. "DNA profile" means the objective form of the
16 results of DNA analysis performed on a DNA sample.
17 The results of all DNA identification analysis on an
18 individual's DNA sample are also collectively referred
19 to as the DNA profile of an individual.
20 5. "DNA profiling" means the procedure established
21 by the division of criminal investigation, department
22 of public safety, for determining a person's genetic
23 identity.
24 6. "DNA record" means the DNA sample and DNA
25 profile, and other records in the DNA database and DNA

26 data bank used to identify a person.

27 7. "DNA sample" means a biological sample provided
28 by any person required to submit a DNA sample or a DNA
29 sample submitted for any other purpose under section
30 81.4.

31 8. "Person required to submit a DNA sample" means
32 a person convicted, adjudicated delinquent, receiving
33 a deferred judgment, or found not guilty by reason of
34 insanity of an offense requiring DNA profiling
35 pursuant to section 81.2. "Person required to submit
36 a DNA sample" also means a person determined to be a
37 sexually violent predator pursuant to section 229A.7.
38 Sec. 2. NEW SECTION. 81.2 PERSONS REQUIRED TO
39 SUBMIT A DNA SAMPLE.

40 1. A person who receives a deferred judgment for a
41 felony or against whom a judgment or conviction for a
42 felony has been entered shall be required to submit a
43 DNA sample for DNA profiling pursuant to section 81.4.

44 2. A person determined to be a sexually violent
45 predator pursuant to chapter 229A shall be required to
46 submit a DNA sample for DNA profiling pursuant to
47 section 81.4 prior to discharge or placement in a
48 transitional release program.

49 3. A person found not guilty by reason of insanity
50 of an offense that requires DNA profiling shall be

Page 2

1 required to submit a DNA sample for DNA profiling
2 pursuant to section 81.4 as part of the person's
3 treatment management program.

4 4. A juvenile adjudicated delinquent of an offense
5 that requires DNA profiling of an adult offender shall
6 be required to submit a DNA sample for DNA profiling
7 pursuant to section 81.4 as part of the disposition of
8 the juvenile's case.

9 5. An offender placed on probation shall
10 immediately report to the judicial district department
11 of correctional services after sentencing so it can be
12 determined if the offender has been convicted of an
13 offense requiring DNA profiling. If it is determined
14 by the judicial district that DNA profiling is
15 required, the offender shall immediately submit a DNA
16 sample.

17 6. A person required to register as a sex
18 offender.

19 Sec. 3. NEW SECTION. 81.3 ESTABLISHMENT OF DNA
20 DATABASE AND DNA DATABANK.

21 1. A state DNA database and a state DNA databank
22 are established under the control of the division of
23 criminal investigation, department of public safety.
24 The division of criminal investigation shall conduct

25 DNA profiling of a DNA sample submitted in accordance
26 with this section.

27 2. A DNA sample shall be submitted, and the
28 division of criminal investigation shall store and
29 maintain DNA records in the DNA database and DNA
30 databank for persons required to submit a DNA sample.

31 3. A DNA sample may be submitted, and the division
32 of criminal investigation shall store and maintain DNA
33 records in the DNA database and DNA databank for any
34 of the following:

35 a. Crime scene evidence and forensic casework.

36 b. A relative of a missing person.

37 c. An anonymous DNA profile used for forensic
38 validation, forensic protocol development, or quality
39 control purposes, or for the establishment of a
40 population statistics database.

41 4. A fingerprint record of a person required to
42 submit a DNA sample shall also be submitted to the
43 division of criminal investigation with the DNA sample
44 to verify the identity of the person required to
45 submit a DNA sample.

46 Sec. 4. NEW SECTION. 81.4 COLLECTING,
47 SUBMITTING, ANALYZING, IDENTIFYING, AND STORING DNA
48 SAMPLES AND DNA RECORDS.

49 1. The division of criminal investigation shall
50 adopt rules for the collection, submission, analysis,

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1 identification, storage, and disposition of DNA
2 records.

3 2. A supervising agency having control, custody,
4 or jurisdiction over a person shall collect a DNA
5 sample from a person required to submit a DNA sample.
6 The supervising agency shall collect a DNA sample,
7 upon admittance to the pertinent institution or
8 facility, of the person required to submit a DNA
9 sample or at a determined date and time set by the
10 supervising agency. If a person required to submit a
11 DNA sample is confined at the time a DNA sample is
12 required, the person shall submit a DNA sample as soon
13 as practicable. If a person required to submit a DNA
14 sample is not confined after the person is required to
15 submit a DNA sample, the supervising agency shall
16 determine the date and time to collect the DNA sample.

17 3. A person required to submit a DNA sample who
18 refuses to submit a DNA sample may be subject to
19 contempt proceedings pursuant to chapter 665 until the
20 DNA sample is submitted.

21 4. The division of criminal investigation shall
22 conduct DNA profiling on a DNA sample or may contract
23 with a private entity to conduct the DNA profiling.

24 Sec. 5. NEW SECTION. 81.5 CIVIL AND CRIMINAL
25 LIABILITY – LIMITATION.

26 A person who collects a DNA sample shall not be
27 civilly or criminally liable for the collection of the
28 DNA sample if the person performs the person's duties
29 in good faith and in a reasonable manner according to
30 generally accepted medical practices or in accordance
31 with the procedures set out in the administrative
32 rules of the department of public safety adopted
33 pursuant to section 81.4.

34 Sec. 6. NEW SECTION. 81.6 CRIMINAL OFFENSE.

35 1. A person who knowingly or intentionally does
36 any of the following commits an aggravated
37 misdemeanor:

38 a. Discloses any part of a DNA record to a person
39 or agency that is not authorized by the division of
40 criminal investigation to have access to the DNA
41 record.

42 b. Uses or obtains a DNA record for a purpose
43 other than what is authorized under this chapter.

44 2. A person who knowingly or intentionally alters
45 or attempts to alter a DNA sample, falsifies the
46 source of a DNA sample, or materially alters a
47 collection container used to collect the DNA sample,
48 commits a class "D" felony.

49 Sec. 7. NEW SECTION. 81.7 CONVICTION OR ARREST
50 NOT INVALIDATED.

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1 The detention, arrest, or conviction of a person
2 based upon a DNA database match is not invalidated if
3 it is determined that the DNA sample or DNA profile
4 was obtained or placed into the DNA database by
5 mistake or error.

6 Sec. 8. NEW SECTION. 81.8 CONFIDENTIAL RECORDS.

7 1. A DNA record shall be considered a confidential
8 record and disclosure of a DNA record is only
9 authorized pursuant to this section.

10 2. Confidential DNA records under this section may
11 be released to the following agencies for law
12 enforcement identification purposes:

13 a. Any criminal or juvenile justice agency as
14 defined in section 692.1.

15 b. Any criminal or juvenile justice agency in
16 another jurisdiction that meets the definition of a
17 criminal or juvenile justice agency as defined in
18 section 692.1.

19 3. The division of criminal investigation shall
20 share the DNA record information with the appropriate
21 federal agencies for use in a national DNA database.

22 4. A DNA record or other forensic information

23 developed pursuant to this chapter may be released for
24 use in a criminal or juvenile delinquency proceeding
25 in which the state is a party and where the DNA record
26 or forensic information is relevant and material to
27 the subject of the proceeding. Such a record or
28 information may become part of a public transcript or
29 other public recording of such a proceeding.

30 5. A DNA record or other forensic information may
31 be released pursuant to a court order for criminal
32 defense purposes to a defendant, who shall have access
33 to DNA samples and DNA profiles related to the case in
34 which the defendant is charged.

35 Sec. 9. NEW SECTION. 81.9 EXPUNGEMENT OF DNA
36 RECORDS.

37 1. A person whose DNA record has been included in
38 the DNA database or DNA databank established pursuant
39 to section 81.3 may request, in writing to the
40 division of criminal investigation, expungement of the
41 DNA record from the DNA database and DNA databank
42 based upon the person's conviction, adjudication, or
43 civil commitment which caused the submission of the
44 DNA sample being reversed on appeal and the case
45 dismissed. The written request shall contain a
46 certified copy of the final court order reversing the
47 conviction, adjudication, or civil commitment, and a
48 certified copy of the dismissal, and any other
49 information necessary to ascertain the validity of the
50 request.

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1 2. The division of criminal investigation, upon
2 receipt of a written request that validates reversal
3 on appeal of a person's conviction, adjudication, or
4 commitment, and subsequent dismissal of the case, or
5 upon receipt of a written request by a person who
6 voluntarily submitted a DNA sample under section 81.3,
7 subsection 3, paragraph "b", or upon receipt of a
8 written request by a person who voluntarily submitted
9 a DNA sample pursuant to section 81.3, subsection 3,
10 paragraph "b", shall expunge all of the DNA records
11 and identifiable information of the person in the DNA
12 database and DNA databank. However, if the division
13 of criminal investigation determines that the person
14 is otherwise obligated to submit a DNA sample, the DNA
15 records shall not be expunged. If the division of
16 criminal investigation denies an expungement request,
17 the division shall notify the person requesting the
18 expungement of the decision not to expunge the DNA
19 record and the reason supporting its decision. The
20 division of criminal investigation decision is subject
21 to judicial review pursuant to chapter 17A. The

22 department of public safety shall adopt rules
23 governing the expungement procedure and a review
24 process.
25 3. The division of criminal investigation is not
26 required to expunge or destroy a DNA record pursuant
27 to this section, if expungement or destruction of the
28 DNA record would destroy evidence related to another
29 person.
30 Sec. 10. NEW SECTION. 81.10 DNA PROFILING AFTER
31 CONVICTION.
32 1. A defendant who has been convicted of a felony
33 and who has not been required to submit a DNA sample
34 for DNA profiling may make a motion to the court for
35 an order to require that DNA analysis be performed on
36 evidence collected in the case for which the person
37 stands convicted.
38 2. The motion shall state the following:
39 a. The specific crimes for which the defendant
40 stands convicted in this case.
41 b. The facts of the underlying case, as proven at
42 trial or admitted to during a guilty plea proceeding.
43 c. Whether any of the charges include sexual abuse
44 or involve sexual assault, and if so, whether a sexual
45 assault examination was conducted and evidence
46 preserved, if known.
47 d. Whether identity was at issue or contested by
48 the defendant.
49 e. Whether the defendant offered an alibi, and if
50 so, testimony corroborating the alibi and, from whom.

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1 f. Whether eyewitness testimony was offered, and
2 if so from whom.
3 g. Whether any issues of police or prosecutor
4 misconduct have been raised in the past or are being
5 raised by the motion.
6 h. The type of inculpatory evidence admitted into
7 evidence at trial or admitted to during a guilty plea
8 proceeding.
9 i. Whether blood testing or other biological
10 evidence testing was conducted previously in
11 connection with the case and, if so, by whom and to
12 the result, if known.
13 j. What biological evidence exists and, if known,
14 the agency or laboratory storing the evidence that the
15 defendant seeks to have tested.
16 k. Why the requested analysis of DNA evidence is
17 material to the issue in the case and not merely
18 cumulative or impeaching.
19 l. Why the DNA evidence would have changed the
20 outcome of the trial or invalidated a guilty plea if

21 DNA profiling had been conducted prior to the
22 conviction.
23 3. A motion filed under this section shall be
24 filed in the county where the defendant was convicted,
25 and notice of the motion shall be served by certified
26 mail upon the county attorney and, if known, upon the
27 state, local agency, or laboratory holding evidence
28 described in subsection 2, paragraph "k". The county
29 attorney shall have sixty days to file an answer to
30 the motion.
31 4. Any DNA profiling of the defendant or other
32 biological evidence testing conducted by the state or
33 by the defendant shall be disclosed and the results of
34 such profiling or testing described in the motion or
35 answer.
36 5. If the evidence requested to be tested was
37 previously subjected to DNA or other biological
38 analysis by either party, the court may order the
39 disclosure of the results of such testing, including
40 laboratory reports, notes, and underlying data, to the
41 court and the parties.
42 6. The court may order a hearing on the motion to
43 determine if evidence should be subjected to DNA
44 analysis.
45 7. The court shall grant the motion if all of the
46 following apply:
47 a. The evidence subject to DNA testing is
48 available and in a condition that will permit
49 analysis.
50 b. A sufficient chain of custody has been

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1 established for the evidence.
2 c. The identity of the person who committed the
3 crime for which the defendant was convicted was a
4 significant issue in the crime for which the defendant
5 was convicted.
6 d. The evidence subject to DNA analysis is
7 material to, and not merely cumulative or impeaching
8 of, evidence included in the trial record or admitted
9 to at a guilty plea proceeding.
10 e. DNA analysis of the evidence would raise a
11 reasonable probability that the defendant would not
12 have been convicted if DNA profiling had been
13 available at the time of the conviction and had been
14 conducted prior to the conviction.
15 8. Upon the court granting a motion filed pursuant
16 to this section, DNA analysis of evidence shall be
17 conducted within the guidelines generally accepted by
18 the scientific community. The defendant shall provide
19 DNA samples for testing if requested by the state.

20 9. Results of DNA analysis conducted pursuant to
21 this section shall be reported to the parties and to
22 the court and may be provided to the board of parole,
23 department of corrections, and criminal and juvenile
24 justice agencies, as defined in section 692.1, for use
25 in the course of investigations and prosecutions, and
26 for consideration in connection with requests for
27 parole, pardon, reprieve, and commutation. DNA
28 samples obtained pursuant to this section may be
29 included in the DNA databank, and DNA profiles and DNA
30 records developed pursuant to this section may be
31 included in the DNA database.

32 10. A criminal or juvenile justice agency, as
33 defined in section 692.1, shall maintain DNA samples
34 and evidence that could be tested for DNA for a period
35 of three years beyond the limitations for the
36 commencement of criminal actions as set forth in
37 chapter 802. This section does not create a cause of
38 action for damages or a presumption of spoliation in
39 the event evidence is no longer available for testing.

40 11. If the court determines a defendant who files
41 a motion under this section is indigent, the defendant
42 shall be entitled to appointment of counsel as
43 provided in chapter 815.

44 12. If the court determines after DNA analysis
45 ordered pursuant to this section that the results
46 indicate conclusively that the DNA profile of the
47 defendant matches the profile from the analyzed
48 evidence used against the defendant, the court may
49 order the defendant to pay the costs of these
50 proceedings, including costs of all testing, court

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1 costs, and costs of court-appointed counsel, if any.

2 Sec. 11. Section 229A.7, Code 2005, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 5A. If the court or jury
5 determines that the respondent is a sexually violent
6 predator, the court shall order the respondent to
7 submit a DNA sample for DNA profiling pursuant to
8 section 81.4.

9 Sec. 12. Section 232.52, Code 2005, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 10. The court shall order a
12 juvenile adjudicated a delinquent for an offense that
13 requires DNA profiling under section 81.2 to submit a
14 DNA sample for DNA profiling pursuant to section 81.4.

15 Sec. 13. Section 669.14, Code 2005, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 15. Any claim arising from or
18 related to the collection of a DNA sample for DNA

19 profiling pursuant to section 81.4 or a DNA profiling
20 procedure performed by the division of criminal
21 investigation, department of public safety.
22 Sec. 14. Section 901.5, subsection 8A, Code 2005,
23 is amended to read as follows:
24 8A. a. The court shall order DNA profiling of a
25 defendant convicted of an offense that requires
26 profiling under section ~~13.10~~ 81.2.
27 b. Notwithstanding section ~~13.10~~ 81.2, the court
28 may order the defendant to provide a ~~physical specimen~~
29 DNA sample to be submitted for DNA profiling if
30 appropriate. In determining the appropriateness of
31 ordering DNA profiling, the court shall consider the
32 deterrent effect of DNA profiling, the likelihood of
33 repeated offenses by the defendant, and the
34 seriousness of the offense.
35 Sec. 15. Section 906.4, unnumbered paragraph 3,
36 Code 2005, is amended to read as follows:
37 ~~Notwithstanding section 13.10, the~~ The board may
38 order the defendant to provide a physical specimen to
39 be submitted for DNA profiling as a condition of
40 parole or work release, if ~~appropriate~~ a DNA profile
41 has not been previously conducted pursuant to chapter
42 81. In determining the appropriateness of ordering
43 DNA profiling, the board shall consider the deterrent
44 effect of DNA profiling, the likelihood of repeated
45 offenses by the defendant, and the seriousness of the
46 offense.
47 Sec. 16. 2002 Iowa Acts, chapter 1080, is
48 repealed.
49 Sec. 17. Section 13.10, Code 2005, is repealed.
50 Sec. 18. PERSONS REQUIRED TO SUBMIT A DNA SAMPLE

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1 PRIOR TO EFFECTIVE DATE OF THIS DIVISION OF THIS ACT.
2 A person convicted, adjudicated a delinquent, civilly
3 committed as a sexually violent predator, or found not
4 guilty by reason of insanity, prior to the effective
5 date of this Act, who would otherwise be required to
6 submit a DNA sample under this Act, and who is under
7 the custody, control, or jurisdiction of a supervising
8 agency, shall submit a DNA sample prior to being
9 released from the supervising agency's custody,
10 control, or jurisdiction.
11 Sec. 19. EFFECTIVE DATE. This division of this
12 Act, being deemed of immediate importance, takes
13 effect upon enactment.
14 DIVISION II
15 SEX OFFENDER REGISTRY – TREATMENT – STUDY
16 Sec. 20. Section 232.68, subsection 2, Code 2005,
17 is amended by adding the following new paragraph:

18 NEW PARAGRAPH. i. Cohabitation with a person on
19 the sex offender registry under chapter 692A in
20 violation of section 726.6.

21 Sec. 21. Section 692A.1, subsection 8, Code 2005,
22 is amended to read as follows:

23 8. "Residence" means the place where a person
24 sleeps, which may include more than one location, and
25 may be mobile or transitory, including a shelter or
26 group home.

27 Sec. 22. Section 692A.2, Code 2005, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 1A. If a person is required to
30 register for a period of ten years under subsection 1
31 and the period under subsection 1 has expired, the
32 person shall be required to remain on the registry if
33 the person has been sentenced to a special sentence as
34 required under section 903B.0A or 903B.0B, for a
35 period equal to the term of the special sentence.

36 Sec. 23. Section 692A.4, Code 2005, is amended to
37 read as follows:

38 692A.4 VERIFICATION OF ADDRESS AND TAKING OF
39 PHOTOGRAPH.

40 1. The address of a person required to register
41 under this chapter shall be verified annually as
42 follows:

43 a. On a date which falls within the month in which
44 the person was initially required to register, the
45 department shall mail a verification form to the last
46 reported address of the person. Verification forms
47 shall not be forwarded to the person who is required
48 to register under this chapter if the person no longer
49 resides at the address, but shall be returned to the
50 department.

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1 b. The person shall complete and mail the
2 verification to the department within ten days of
3 receipt of the form.

4 c. The verification form shall be signed by the
5 person, and state the address at which the person
6 resides. If the person is in the process of changing
7 residences, the person shall state that fact as well
8 as the old and new addresses or places of residence.

9 2. Verification of address for a person who has
10 been convicted of an offense under the laws of this
11 state or of another state which would qualify the
12 person as a sexually violent predator shall be
13 accomplished in the same manner as in subsection 1,
14 except that the verification shall be done every three
15 months at times established by the department.

16 3. A photograph of a person required to register

17 under this chapter shall be updated, at a minimum,
18 annually. When the department mails the address
19 verification notice in subsection 1, the department
20 shall also enclose a form informing the person to
21 annually submit to being photographed by the sheriff
22 of the county of the person's residence within ten
23 days of receipt of the address verification form. The
24 sheriff shall send the updated photograph to the
25 department within ten days of the photograph being
26 taken and the department shall post the updated
27 photograph on the sex offender registry's web page.
28 The sheriff may require the person to submit to being
29 photographed by the sheriff more than once a year by
30 mailing another notice informing the person to submit
31 to being photographed.

32 Sec. 24. NEW SECTION. 692A.4A ELECTRONIC
33 MONITORING.

34 A person required to register under this chapter
35 who is placed on probation, parole, work release,
36 special sentence, or any other type of conditional
37 release, may be supervised by an electronic tracking
38 and monitoring system in addition to any other
39 conditions of supervision.

40 Sec. 25. Section 692A.5, subsection 1, Code 2005,
41 is amended by adding the following new paragraph:
42 NEW PARAGRAPH. i. Inform the person that the
43 person must, at a minimum, annually submit to being
44 photographed by the sheriff of the county of the
45 person's residence.

46 Sec. 26. Section 692A.13, subsection 3, Code 2005,
47 is amended to read as follows:

48 3. Any member of the public may contact a county
49 sheriff's office or police department to request
50 relevant information from the registry regarding a

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1 specific person required to register under this
2 chapter. ~~The request for information shall be in~~
3 ~~writing, and~~ A person making a request for relevant
4 information may make the request by telephone, in
5 writing, or in person, and the request shall include
6 the name of the person and at least one of the
7 following identifiers pertaining to the person about
8 whom the information is sought:

- 9 a. The date of birth of the person.
- 10 b. The social security number of the person.
- 11 c. The address of the person.

12 A county sheriff or police department shall not
13 charge a fee relating to a request for relevant
14 information.

15 Sec. 27. Section 692A.13, subsection 2, paragraph

16 b, Code 2005, is amended to read as follows:

17 b. The general public, including public and
18 private agencies, organizations, public places, ~~public~~
19 ~~and private schools~~, child care facilities, religious
20 and youth organizations, neighbors, neighborhood
21 associations, community meetings, and employers.
22 Registry information may be distributed to the public
23 through printed materials, visual or audio press
24 releases, radio communications, or through a criminal
25 or juvenile justice agency's web page.

26 Sec. 28. Section 692A.13, Code 2005, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 2A. When a person required to
29 register under this chapter moves into a school
30 district or moves within a school district, the county
31 sheriff of the county of the person's new residence
32 shall provide relevant information from the sex
33 offender registry to the administrative office of the
34 school district in which the person required to
35 register resides, and shall also provide relevant
36 information to any private school near the person's
37 residence.

38 Sec. 29. Section 692A.13, subsection 5, Code 2005,
39 is amended to read as follows:

40 5. Relevant information provided to the general
41 public may include the offender's name, address, a
42 photograph, locations frequented by the offender,
43 relevant criminal history information from the
44 registry, and any other relevant information.
45 Relevant information provided to the public shall not
46 include the identity of any victim. For purposes of
47 inclusion in the sex offender registry's web page or
48 dissemination to the general public, a conviction for
49 incest shall be disclosed as either a violation of
50 section 709.4 or 709.8.

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1 Sec. 30. Section 726.6, subsection 1, Code 2005,
2 is amended by adding the following new paragraph:
3 NEW PARAGRAPH. h. Cohabits with a person after
4 knowing the person is required to register or is on
5 the sex offender registry as a sex offender under
6 chapter 692A. However, this paragraph does not apply
7 to a person who is a parent, guardian, or a person
8 having custody or control over a child or a minor who
9 is required to register as a sex offender.

10 Sec. 31. Section 903A.2, subsection 1, paragraph
11 a, Code 2005, is amended to read as follows:

12 a. Category "A" sentences are those sentences
13 which are not subject to a maximum accumulation of
14 earned time of fifteen percent of the total sentence

15 of confinement under section 902.12. To the extent
16 provided in subsection 5, category "A" sentences also
17 include life sentences imposed under section 902.1.
18 An inmate of an institution under the control of the
19 department of corrections who is serving a category
20 "A" sentence is eligible for a reduction of sentence
21 equal to one and two-tenths days for each day the
22 inmate demonstrates good conduct and satisfactorily
23 participates in any program or placement status
24 identified by the director to earn the reduction. The
25 programs include but are not limited to the following:
26 (1) Employment in the institution.
27 (2) Iowa state industries.
28 (3) An employment program established by the
29 director.
30 (4) A treatment program established by the
31 director.
32 (5) An inmate educational program approved by the
33 director.
34 However, an inmate required to participate in a sex
35 offender treatment program shall not be eligible for a
36 reduction of sentence unless the inmate participates
37 in and completes a sex offender treatment program
38 established by the director.
39 An inmate serving a category "A" sentence is
40 eligible for an additional reduction of sentence of up
41 to three hundred sixty-five days of the full term of
42 the sentence of the inmate for exemplary acts. In
43 accordance with section 903A.4, the director shall by
44 policy identify what constitutes an exemplary act that
45 may warrant an additional reduction of sentence.
46 Sec. 32. Section 903B.1, Code 2005, is amended by
47 adding the following new subsection:
48 NEW SUBSECTION. 7. A person who administers
49 medroxyprogesterone acetate or any other
50 pharmaceutical agent shall not be liable for civil

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1 damages for administering such pharmaceutical agents
2 pursuant to this chapter.
3 Sec. 33. SEX OFFENDER INTERIM STUDY COMMITTEE.
4 The legislative council is requested to authorize a
5 study for the 2005 legislative interim on sexual
6 abuse-related criminal offenses and the sex offender
7 registry. The study recommendations and findings
8 shall include but are not limited to identifying
9 possible changes to sexual abuse-related offenses and
10 the sex offender registry. The study report,
11 including findings and recommendations, shall be
12 submitted to the general assembly for consideration
13 during the 2006 legislative session. The study shall

14 be conducted by a study committee consisting of up to
 15 nine members of the general assembly. A chairperson
 16 or co-chairpersons shall be designated by the
 17 legislative council.

18 DIVISION III
 19 ENHANCED CRIMINAL PENALTIES AND
 20 STATUTE OF LIMITATIONS

21 Sec. 34. Section 709.8, Code 2005, is amended to
 22 read as follows:

23 709.8 LASCIVIOUS ACTS WITH A CHILD.

24 It is unlawful for any person ~~eighteen~~ sixteen
 25 years of age or older to perform any of the following
 26 acts with a child with or without the child's consent
 27 unless married to each other, for the purpose of
 28 arousing or satisfying the sexual desires of either of
 29 them:

- 30 1. Fondle or touch the pubes or genitals of a
 31 child.
- 32 2. Permit or cause a child to fondle or touch the
 33 person's genitals or pubes.
- 34 3. Solicit a child to engage in a sex act or
 35 solicit a person to arrange a sex act with a child.
- 36 4. Inflict pain or discomfort upon a child or
 37 permit a child to inflict pain or discomfort on the
 38 person.

39 Any person who violates a provision of this section
 40 involving an act included in subsection 1 or 2 shall,
 41 upon conviction, be guilty of a class "D" "C" felony.
 42 ~~A person who violates a provision of this section and
 43 who is sentenced to a term of confinement shall also
 44 be sentenced to an additional term of parole or work
 45 release not to exceed two years. The board of parole
 46 shall determine whether the person should be released
 47 on parole or placed in a work release program. The
 48 sentence of an additional term of parole or work
 49 release supervision shall commence immediately upon
 50 the expiration of the preceding sentence and shall be~~

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1 ~~under the terms and conditions as set out in chapter~~
 2 ~~906. Violations of parole or work release shall be~~
 3 ~~subject to the procedures set out in chapter 905 or~~
 4 ~~908 or rules adopted under those chapters. The~~
 5 ~~sentence of an additional term of parole or work~~
 6 ~~release shall be consecutive to the original term of~~
 7 ~~confinement. Any person who violates a provision of~~
 8 this section involving an act included in subsection 3
 9 or 4 shall, upon conviction, be guilty of a class "D"
 10 felony.

11 Sec. 35. Section 802.2, Code 2005, is amended to
 12 read as follows:

13 802.2 SEXUAL ABUSE – FIRST, SECOND, OR THIRD
14 DEGREE.

15 1. An information or indictment for sexual abuse
16 in the first, second, or third degree committed on or
17 with a person who is under the age of eighteen years
18 shall be found within ten years after the person upon
19 whom the offense is committed attains eighteen years
20 of age, or if the identity of the person against whom
21 the information or indictment is sought is established
22 through the use of a DNA profile, an information or
23 indictment shall be found within three years from the
24 date the identity of the person is identified by the
25 person's DNA profile, whichever is later.

26 2. An information or indictment for any other
27 sexual abuse in the first, second, or third degree
28 shall be found within ten years after its commission,
29 or if the identity of the person against whom the
30 information or indictment is sought is established
31 through the use of a DNA profile, an information or
32 indictment shall be found within three years from the
33 date the identity of the person is identified by the
34 person's DNA profile, whichever is later.

35 3. As used in this section, "identified" means a
36 person's legal name is known and the person has been
37 determined to be the source of the DNA.

38 Sec. 36. Section 901.5, Code 2005, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 13. In addition to any other
41 sentence or other penalty imposed against the
42 defendant, the court shall impose a special sentence
43 if required under section 903B.0A or 903B.0B.

44 Sec. 37. NEW SECTION. 902.15 ENHANCED PENALTY –
45 SEXUAL ABUSE OR LASCIVIOUS ACTS WITH A CHILD.

46 1. A person commits a class "A" felony if the
47 person commits a second or subsequent offense
48 involving any combination of the following offenses:
49 a. Sexual abuse in the second degree in violation
50 of section 709.3.

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1 b. Sexual abuse in the third degree in violation
2 of section 709.4.

3 c. Lascivious acts with a child in violation of
4 section 709.8, subsection 1 or 2.

5 2. In determining if a violation charged is a
6 second or subsequent offense for purposes of criminal
7 sentencing in this section, each previous violation on
8 which conviction or deferral of judgment was entered
9 prior to the date of the violation charged shall be
10 considered and counted as a separate previous offense,
11 regardless of whether the previous offense occurred

12 before, on, or after the effective date of this Act.
13 Convictions or the equivalent of deferred judgments
14 for violations in any other states under statutes
15 substantially corresponding to the offenses listed in
16 subsection 1 shall be counted as previous offenses.
17 The courts shall judicially notice the statutes of
18 other states which define offenses substantially
19 equivalent to the offenses listed in subsection 1 and
20 can therefore be considered corresponding statutes.
21 Sec. 38. NEW SECTION. 903B.0A SPECIAL SENTENCE
22 – CLASS "B" OR CLASS "C" FELONIES.
23 A person convicted of a class "C" felony or greater
24 offense under chapter 709, or a class "C" felony under
25 section 728.12, shall also be sentenced, in addition
26 to any other punishment provided by law, to a special
27 sentence committing the person into the custody of the
28 director of the Iowa department of corrections for the
29 rest of the person's life, with eligibility for parole
30 as provided in chapter 906. The special sentence
31 imposed under this section shall commence upon
32 completion of the sentence imposed under any
33 applicable criminal sentencing provisions for the
34 underlying criminal offense and the person shall begin
35 the sentence under supervision as if on parole. The
36 person shall be placed on the corrections continuum in
37 chapter 901B, and the terms and conditions of the
38 special sentence, including violations, shall be
39 subject to the same set of procedures set out in
40 chapters 901B, 905, 906, and chapter 908, and rules
41 adopted under those chapters for persons on parole.
42 The revocation of release shall not be for a period
43 greater than two years upon any first revocation, and
44 five years upon any second or subsequent revocation.
45 A special sentence shall be considered a category "A"
46 sentence for purposes of calculating earned time under
47 section 903A.2.
48 Sec. 39. NEW SECTION. 903B.0B SPECIAL SENTENCE
49 –CLASS "D" FELONIES OR MISDEMEANORS.
50 A person convicted of a misdemeanor or a class "D"

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1 felony offense under chapter 709, section 726.2, or
2 section 728.12 shall also be sentenced, in addition to
3 any other punishment provided by law, to a special
4 sentence committing the person into the custody of the
5 director of the Iowa department of corrections for a
6 period of ten years, with eligibility for parole as
7 provided in chapter 906. The special sentence imposed
8 under this section shall commence upon completion of
9 the sentence imposed under any applicable criminal
10 sentencing provisions for the underlying criminal

11 offense and the person shall begin the sentence under
12 supervision as if on parole. The person shall be
13 placed on the corrections continuum in chapter 901B,
14 and the terms and conditions of the special sentence,
15 including violations, shall be subject to the same set
16 of procedures set out in chapters 901B, 905, 906, and
17 908, and rules adopted under those chapters for
18 persons on parole. The revocation of release shall
19 not be for a period greater than two years upon any
20 first revocation, and five years upon any second or
21 subsequent revocation. A special sentence shall be
22 considered a category "A" sentence for purposes of
23 calculating earned time under section 903A.2.

24 Sec. 40. Section 903B.1, subsection 3, Code 2005,
25 is amended by striking the subsection.

26 Sec. 41. Section 906.15, unnumbered paragraph 1,
27 Code 2005, is amended to read as follows:

28 Unless sooner discharged, a person released on
29 parole shall be discharged when the person's term of
30 parole equals the period of imprisonment specified in
31 the person's sentence, less all time served in
32 confinement. Discharge from parole may be granted
33 prior to such time, when an early discharge is
34 appropriate. The board shall periodically review all
35 paroles, and when the board determines that any person
36 on parole is able and willing to fulfill the
37 obligations of a law-abiding citizen without further
38 supervision, the board shall discharge the person from
39 parole. A parole officer shall periodically review
40 all paroles assigned to the parole officer, and when
41 the parole officer determines that any person assigned
42 to the officer is able and willing to fulfill the
43 obligations of a law-abiding citizen without further
44 supervision, the officer may discharge the person from
45 parole after notification and approval of the district
46 director and notification of the board of parole. In
47 any event, discharge from parole shall terminate the
48 person's sentence. If a person has been sentenced to
49 a special sentence under section 903B.0A or 903B.0B,
50 the person may be discharged early from the sentence

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1 in the same manner as any other person on parole.
2 However, a person convicted of a violation of section
3 709.3, 709.4, or 709.8 committed on or with a child,
4 or a person serving a sentence under section 902.12,
5 shall not be discharged from parole until the person's
6 term of parole equals the period of imprisonment
7 specified in the person's sentence, less all time
8 served in confinement.
9 Sec. 42. Section 908.5, Code 2005, is amended to

10 read as follows:

11 908.5 DISPOSITION.

12 1. If a violation of parole is established, the
 13 administrative parole judge may continue the parole
 14 with or without any modification of the conditions of
 15 parole. The administrative parole judge may revoke
 16 the parole and require the parolee to serve the
 17 sentence originally imposed, or may revoke the parole
 18 and reinstate the parolee's work release status.

19 2. If the person is serving a special sentence
 20 under chapter 903B, the administrative parole judge
 21 may revoke the release. Upon the revocation of
 22 release, the person shall not serve the entire length
 23 of the special sentence imposed, and the revocation
 24 shall be for a period not to exceed two years in a
 25 correctional institution upon a first revocation and
 26 for a period not to exceed five years in a
 27 correctional institution upon a second or subsequent
 28 revocation.

29 3. The order of the administrative parole judge
 30 shall contain findings of fact, conclusions of law,
 31 and a disposition of the matter.

32 DIVISION IV

33 VICTIM RIGHTS

34 Sec. 43. NEW SECTION. 235D.1 CRIMINAL HISTORY
 35 CHECK – APPLICANTS AT DOMESTIC ABUSE OR SEXUAL
 36 ASSAULT CENTERS.

37 An applicant for employment at a domestic abuse or
 38 sexual assault center shall be subject to a national
 39 criminal history check through the federal bureau of
 40 investigation. The domestic abuse or sexual assault
 41 center shall request the criminal history check and
 42 shall provide the applicant's fingerprints to the
 43 department of public safety for submission through the
 44 state criminal history repository to the federal
 45 bureau of investigation. The applicant shall
 46 authorize release of the results of the criminal
 47 history check to the domestic abuse or sexual assault
 48 center. The applicant shall pay the actual cost of
 49 the fingerprinting and criminal history check, if any.
 50 Unless the criminal history check was completed within

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1 the ninety calendar days prior to the date the
 2 application is received by the domestic abuse or
 3 sexual assault center, the center shall reject and
 4 return the application to the applicant. The results
 5 of a criminal history check conducted pursuant to this
 6 subsection shall not be considered a public record
 7 under chapter 22. For purposes of this section,
 8 "domestic abuse or sexual assault center" means a

9 facility which is used to house victims of domestic
10 abuse or sexual assault, and is owned, operated, or
11 maintained by a nonprofit organization.

12 Sec. 44. NEW SECTION. 709.22 PREVENTION OF
13 FURTHER SEXUAL ASSAULT – NOTIFICATION OF RIGHTS.

14 If a peace officer has reason to believe that a
15 sexual assault as defined in section 915.40 has
16 occurred, the officer shall use all reasonable means
17 to prevent further violence including but not limited
18 to the following:

19 1. If requested, remaining on the scene of the
20 alleged sexual assault as long as there is a danger to
21 the victim's physical safety without the presence of a
22 peace officer, including but not limited to staying in
23 the dwelling unit, or if unable to remain on the
24 scene, assisting the victim in leaving the residence.

25 2. Assisting a victim in obtaining medical
26 treatment necessitated by the sexual assault,
27 including providing assistance to the victim in
28 obtaining transportation to the emergency room of the
29 nearest hospital.

30 3. Providing a victim with immediate and adequate
31 notice of the victim's rights. The notice shall
32 consist of handing the victim a copy of the following
33 statement written in English and Spanish, asking the
34 victim to read the statement, and asking whether the
35 victim understands the rights:

36 "You have the right to ask the court for help with
37 any of the following on a temporary basis:

38 a. Keeping your attacker away from you, your home,
39 and your place of work.

40 b. The right to stay at your home without
41 interference from your attacker.

42 c. The right to seek a no-contact order under
43 section 709.20 or 915.22, if your attacker is arrested
44 for sexual assault.

45 You have the right to register as a victim with the
46 county attorney under section 915.12.

47 You have the right to file a complaint for threats,
48 assaults, or other related crimes.

49 You have the right to seek restitution against your
50 attacker for harm to you or your property.

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1 You have the right to apply for victim
2 compensation.

3 You have the right to contact the county attorney
4 or local law enforcement to determine the status of
5 your case.

6 If you are in need of medical treatment, you have
7 the right to request that the officer present assist

8 you in obtaining transportation to the nearest
9 hospital or otherwise assist you.
10 You have the right to a sexual assault examination
11 performed at state expense.
12 If you believe that police protection is needed for
13 your physical safety, you have the right to request
14 that the officer present remain at the scene until you
15 and other affected parties can leave or until safety
16 is otherwise ensured."
17 The notice shall also contain the telephone numbers
18 of shelters, support groups, and crisis lines
19 operating in the area.
20 Sec. 45. Section 915.10, subsections 1 and 2, Code
21 2005, are amended to read as follows:
22 1. "Notification" means mailing by regular mail or
23 providing for hand delivery of appropriate information
24 or papers. However, this notification procedure does
25 not prohibit an office, agency, or department from
26 also providing appropriate information to a registered
27 victim by telephone, electronic mail, or other means.
28 2. "Registered" means having provided the county
29 attorney with the victim's written request for
30 registration and current mailing address and telephone
31 number. If an automated victim notification system is
32 implemented pursuant to section 915.10A, "registered"
33 also means having filed a request for registration
34 with the system.
35 Sec. 46. NEW SECTION. 915.10A AUTOMATED VICTIM
36 NOTIFICATION SYSTEM.
37 1. An automated victim notification system may be
38 utilized to assist public officials in informing crime
39 victims, the victim's family, or other interested
40 persons as provided in this subchapter and where
41 otherwise specifically provided. The system shall
42 disseminate the information to registered users
43 through telephonic, electronic, or other means of
44 access.
45 2. An office, agency, or department may satisfy a
46 notification obligation to registered victims required
47 by this subchapter through participation in the system
48 to the extent information is available for
49 dissemination through the system. Nothing in this
50 section shall relieve a notification obligation under

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1 this subchapter due to the unavailability of
2 information for dissemination through the system.
3 3. Notwithstanding section 232.147, information
4 concerning juveniles charged with a felony offense
5 shall be released to the extent necessary to comply
6 with this section.

7 Sec. 47. Section 915.11, Code 2005, is amended to
8 read as follows:
9 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.
10 A local police department or county sheriff's
11 department shall advise a victim of the right to
12 register with the county attorney, and shall provide a
13 request-for-registration form to each victim. If an
14 automated victim notification system is available
15 pursuant to section 915.10A, a local police department
16 or county sheriff's department shall provide a
17 telephone number and website to each victim to
18 register with the system.
19 Sec. 48. Section 915.12, Code 2005, is amended to
20 read as follows:
21 915.12 REGISTRATION.
22 ~~1. The county attorney shall be the sole registrar~~
23 ~~of victims under this subchapter.~~
24 ~~2.~~ 1. A victim may register by filing a written
25 request-for-registration form with the county
26 attorney. The county attorney shall notify the
27 victims in writing and advise them of their
28 registration and rights under this subchapter.
29 ~~3.~~ The county attorney shall provide a registered
30 victim list to the offices, agencies, and departments
31 required to provide information under this subchapter
32 for notification purposes.
33 ~~2.~~ If an automated victim notification system, the
34 victim's family, is available pursuant to section
35 915.10A, a victim, the victim's family, or other
36 interested person may register with the system by
37 filing a request for registration through written,
38 telephonic, or electronic means.
39 ~~4.~~ ~~3.~~ Notwithstanding chapter 22 or any other
40 contrary provision of law, ~~a victim's~~ the registration
41 of a victim, victim's family, or other interested
42 person shall be strictly maintained in a separate
43 confidential file or other confidential medium, and
44 shall be available only to the offices, agencies, and
45 departments required to provide information under this
46 subchapter.
47 Sec. 49. Section 915.29, Code 2005, is amended by
48 adding the following new unnumbered paragraph:
49 NEW UNNUMBERED PARAGRAPH. The notification
50 required pursuant to this section may occur through

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1 the automated victim notification system referred to
2 in section 915.10A to the extent such information is
3 available for dissemination through the system.
4 Sec. 50. Section 915.45, Code 2005, is amended by
5 adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. The notification
7 required pursuant to this section may occur through
8 the automated victim notification system referred to
9 in section 915.10A to the extent such information is
10 available for dissemination through the system.

11 DIVISION V
12 TASK FORCE

13 Sec. 51. SEX OFFENDER TREATMENT AND SUPERVISION
14 TASK FORCE.

15 1. The division of criminal and juvenile justice
16 planning shall establish a task force to study and
17 make periodic recommendations for treating and
18 supervising sex offenders in correctional institutions
19 and in the community. The task force shall file a
20 report with recommendations with the general assembly
21 by January 15, 2006. The task force shall study the
22 effectiveness of electronic monitoring and the
23 potential effects and costs associated with the
24 special sentence created in this Act. The task force
25 shall study risk assessment models created for sex
26 offenders. The task force shall also review this
27 state's efforts and the efforts of other states to
28 implement treatment programs and make recommendations
29 as to the best treatment options available for sex
30 offenders. The task force shall also develop a plan
31 to integrate state government databases for the
32 purpose of updating addresses of persons on the sex
33 offender registry.

34 2. Members of the task force shall include
35 representatives of the following state agencies and
36 organizations:
37 a. One representative of the department of human
38 services.
39 b. One representative of the department of public
40 safety.
41 c. One representative of the Iowa state sheriffs
42 and deputies association.
43 d. One representative of the Iowa county attorneys
44 association.
45 e. One representative of the department of
46 corrections.
47 f. One representative of the board of parole.
48 g. One representative of a judicial district
49 department of correctional services.
50 h. One representative of the department of

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1 justice.
2 i. One representative of the state public
3 defender.
4 j. One representative of the Iowa coalition

5 against sexual assault.
6 DIVISION VI
7 STATE MANDATE
8 Sec. 52. IMPLEMENTATION OF ACT. Section 25B.2,
9 subsection 3, shall not apply to this Act."
10 2. Title page, by striking lines 1 through 5 and
11 inserting the following: "An Act relating to criminal
12 sentencing, victim notification, and the sex offender
13 registry, by establishing a special sentence for
14 certain offenders, requiring DNA testing of certain
15 offenders and lengthening the time an information or
16 indictment may be found in certain offenses where DNA
17 evidence is available, requiring sex offender
18 treatment in order to accumulate earned time,
19 restricting certain persons from residing with sex
20 offenders, establishing a sex offender treatment and
21 supervision task force, providing penalties, and
22 providing effective dates."

Paulsen of Linn offered the following amendment [H-1640](#), to the Senate amendment [H-1628](#), filed by him from the floor and moved its adoption:

[H-1640](#)

1 Amend the Senate amendment, [H-1628](#), to House File
2 619, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 5, by striking lines 4 through 7 and
5 inserting the following: "commitment, and subsequent
6 dismissal of the case, or upon receipt of a".
7 2. Page 9, line 28, by striking the word
8 "subsection" and inserting the following:
9 "subsections".
10 3. Page 9, by inserting after line 35 the
11 following:
12 "NEW SUBSECTION. 2A. If a person violates any of
13 the requirements of section 692A.4, the person shall
14 register for an additional ten years beginning from
15 the date the first registration period ends as
16 calculated under subsection 1 or from the date the
17 special sentence ends under subsection 1A if the
18 person received a special sentence, whichever is
19 longer."
20 4. Page 10, line 39, by inserting after the word
21 "supervision." the following: "However, if the person
22 committed a criminal offense against a minor, or an
23 aggravated offense, sexually violent offense, or other
24 relevant offense that involved a minor, the person
25 shall be supervised by an electronic tracking and
26 monitoring system in addition to any other conditions

27 of release."

28 5. Page 11, line 42, by inserting after the word
29 "photograph," the following: "the results of any risk
30 assessment."

31 6. Page 11, by inserting after line 50 the
32 following:

33 "Sec. __. NEW SECTION. 692A.13A ASSESSMENT OF
34 RISK.

35 1. The department of corrections, the department
36 of human services, and the department of public safety
37 shall, in consultation with one another, develop
38 methods and procedures for the assessment of the risk
39 for persons required to register under this chapter on
40 or after the effective date of this division of this
41 Act, who have committed a criminal offense against a
42 minor, or an aggravated offense, sexually violent
43 offense, or other relevant offense that involved a
44 minor. The department of corrections, in consultation
45 with the department of human services, the department
46 of public safety, and the attorney general, shall
47 adopt rules relating to assessment procedures. The
48 assessment procedures shall include procedures for the
49 sharing of information between the department of
50 corrections, department of human services, the

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1 juvenile court, and the division of criminal
2 investigation of the department of public safety, as
3 well as the communication of the results of the risk
4 assessment to criminal and juvenile justice agencies.
5 The assignment of responsibility for the assessment of
6 risk shall be as follows:

7 a. The department of corrections or a judicial
8 district department of correctional services shall
9 perform the assessment of risk for persons who are
10 incarcerated in institutions under the control of the
11 director of the department of corrections, persons who
12 are under the supervision of the department of
13 corrections or a judicial district department of
14 correctional services, and persons who are under the
15 supervision or control of the department of
16 corrections or a judicial district department of
17 correctional services through an interstate compact.

18 b. The department of human services shall perform
19 the assessment of risk for persons who are confined in
20 institutions under the control of the director of
21 human services, persons who are under the supervision
22 of the department of human services, and persons who
23 are under the supervision or control of the department
24 of human services through an interstate compact.

25 c. The division of criminal investigation of the

26 department of public safety shall perform the
27 assessment of risk for persons who have moved to Iowa
28 but are not under the supervision of the department of
29 corrections, a judicial district department of
30 correctional services, or the department of human
31 services; federal parolees or probationers; persons
32 who have been released from a county jail but are not
33 under the supervision of the department of
34 corrections, a judicial district department of
35 correctional services, a juvenile court officer of the
36 judicial branch, or the department of human services;
37 and persons who are convicted and released by the
38 courts and are not incarcerated or placed under
39 supervision pursuant to the court's sentencing order.
40 Assessments of persons who have moved to Iowa and
41 persons on federal parole or probation shall be
42 performed on an expedited basis if the person was
43 classified as a person with a high degree of
44 likelihood of reoffending by the other jurisdiction or
45 the federal government.
46 d. A juvenile court officer shall perform the
47 assessment of risk for a juvenile who is adjudicated
48 delinquent for a criminal offense listed in section
49 692A.1 and who is under the juvenile court officer's
50 supervision.

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1 2. The department of public safety shall be
2 responsible for disclosing the assessment of risk
3 information to a criminal or juvenile justice agency
4 for law enforcement, prosecution, or for public
5 notification purposes. The results of the assessment
6 of risk shall be disclosed as other relevant
7 information is disclosed under section 692A.13."
8 7. Page 12, line 9, by inserting after the word
9 "offender" the following: ", or to a person who is
10 married to and living with a person required to
11 register as a sex offender".
12 8. Page 18, by striking lines 9 through 11 and
13 inserting the following: "crime victim center as
14 defined in section 915.20A."
15 9. Page 19, by inserting after line 19 the
16 following:
17 "4. A peace officer is not civilly or criminally
18 liable for actions taken in good faith pursuant to
19 this section."
20 10. Page 20, lines 33 and 34, by striking the
21 words "the victim's family".
22 11. Page 21, by striking lines 35 and 36, and
23 inserting the following: "members of the general
24 assembly selected by the legislative council and

25 representatives of the following:
26 _____. One representative from the state department
27 of transportation.
28 _____. One representative of the Iowa civil
29 liberties union."
30 12. Page 22, by inserting after line 5 the
31 following:
32 "DIVISION____
33 SEVERABILITY CLAUSE
34 Sec.____. SEVERABILITY CLAUSE. If any provision
35 of this Act or its application to any person or
36 circumstance is held invalid, the invalidity does not
37 affect other provisions or application of this Act
38 which can be given effect without the invalid
39 provision or application, and to this end the
40 provisions of this Act are severable."
41 13. By renumbering as necessary.

Huseman of Cherokee in the chair at 12:41 p.m.

Speaker Rants in the chair at 12:50 p.m.

The House stood at ease at 1:12 p.m., until the fall of the gavel.

The House resumed session at 2:07 p.m., Speaker Rants in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gaskill of Wapello on request of Murphy of Dubuque.

On motion by Paulsen of Linn, amendment [H-1640](#) to Senate amendment [H-1628](#) was adopted.

On motion by Paulsen of Linn, the House concurred in the Senate amendment [H-1628](#), as amended.

Paulsen of Linn moved that the bill, as amended by the Senate,

further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 619](#))

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Ford	Gaskill	Maddox
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 619](#) be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Chambers of O'Brien called up for consideration [House File 816](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents and providing an effective date, amended by the Senate amendment [H-1635](#) as follows:

[H-1635](#)

1 Amend [House File 816](#), as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "DEPARTMENT FOR THE BLIND
 6 Section 1. ADMINISTRATION. There is appropriated
 7 from the general fund of the state to the department
 8 for the blind for the fiscal year beginning July 1,
 9 2005, and ending June 30, 2006, the following amount,
 10 or so much thereof as is necessary, to be used for the
 11 purposes designated:
 12 For salaries, support, maintenance, miscellaneous
 13 purposes and for not more than the following full-time
 14 equivalent positions:
 15 \$ 1,886,842
 16 FTEs 109.50
 17 COLLEGE STUDENT AID COMMISSION
 18 Sec. 2. There is appropriated from the general
 19 fund of the state to the college student aid
 20 commission for the fiscal year beginning July 1, 2005,
 21 and ending June 30, 2006, the following amounts, or so
 22 much thereof as may be necessary, to be used for the
 23 purposes designated:
 24 1. GENERAL ADMINISTRATION
 25 For salaries, support, maintenance, miscellaneous
 26 purposes, and for not more than the following full-
 27 time equivalent positions:
 28 \$ 349,494
 29 FTEs 4.30
 30 2. STUDENT AID PROGRAMS
 31 For payments to students for the Iowa grant
 32 program:
 33 \$ 1,029,784
 34 3. DES MOINES UNIVERSITY - OSTEOPATHIC MEDICAL
 35 CENTER
 36 a. For forgivable loans to Iowa students attending
 37 the Des Moines university - osteopathic medical
 38 center under the forgivable loan program pursuant to
 39 section 261.19:

40 \$ 100,000
 41 To receive funds appropriated pursuant to this
 42 paragraph, Des Moines university – osteopathic
 43 medical center shall match the funds with
 44 institutional funds on a dollar-for-dollar basis.
 45 b. For the Des Moines university – osteopathic
 46 medical center for an initiative in primary health
 47 care to direct primary care physicians to shortage
 48 areas in the state:
 49 \$ 346,451
 50 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

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1 For purposes of providing national guard
 2 educational assistance under the program established
 3 in section 261.86:
 4 \$ 3,800,000
 5 5. TEACHER SHORTAGE FORGIVABLE LOAN PROGRAM
 6 For the teacher shortage forgivable loan program
 7 established in section 261.111:
 8 \$ 285,000
 9 Sec. 3. WORK-STUDY APPROPRIATION FOR FY 2005-
 10 2006. Notwithstanding section 261.85, for the fiscal
 11 year beginning July 1, 2005, and ending June 30, 2006,
 12 the amount appropriated from the general fund of the
 13 state to the college student aid commission for the
 14 work-study program under section 261.85 shall be
 15 \$140,000, and from the moneys appropriated in this
 16 section, \$76,365 shall be allocated to institutions of
 17 higher education under the state board of regents and
 18 community colleges and the remaining dollars
 19 appropriated in this section shall be allocated by the
 20 college student aid commission on the basis of need as
 21 determined by the portion of the federal formula for
 22 distribution for work-study funds that relates to the
 23 current need of institutions.
 24 Sec. 4. COLLEGE STUDENT AID COMMISSION STUDY –
 25 STATE AID FOR STUDENTS ENROLLED IN ACCREDITED PRIVATE
 26 INSTITUTIONS. The college student aid commission
 27 shall develop, in consultation with representatives
 28 from accredited private institutions whose income is
 29 not exempt from taxation under section 501(c) of the
 30 Internal Revenue Code, recommendations for a policy
 31 regarding the protection of educational consumers for
 32 inclusion in the definition of "accredited private
 33 institution" under section 261.9. It is the intent of
 34 the general assembly to consider such a policy as it
 35 might apply to private institutions whose income is
 36 not exempt, and those private institutions whose
 37 income is exempt, from taxation under section 501(c)
 38 of the Internal Revenue Code. In determining its

39 recommendations, the commission shall include a review
 40 of information that includes, but is not limited to,
 41 the percent of students who are enrolled in each
 42 institution who have high school graduation diplomas,
 43 the percentage of students enrolled in each
 44 institution who have high school equivalency diplomas,
 45 the percentage of low-income students enrolled in each
 46 institution, the percentage of nontraditional students
 47 enrolled in each institution, the graduation and job
 48 placement rates of each institution, and each
 49 institution's official cohort default rate, which is
 50 released annually by the United States department of

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1 education. The commission shall submit its findings
 2 and recommendations to the governor and the general
 3 assembly by January 10, 2006.

4 DEPARTMENT OF CULTURAL AFFAIRS

5 Sec. 5. There is appropriated from the general
 6 fund of the state to the department of cultural
 7 affairs for the fiscal year beginning July 1, 2005,
 8 and ending June 30, 2006, the following amounts, or so
 9 much thereof as is necessary, to be used for the
 10 purposes designated:

11 1. ADMINISTRATION

12 For salaries, support, maintenance, and
 13 miscellaneous purposes:

14 \$ 235,636

15 The department of cultural affairs shall coordinate
 16 activities with the tourism office of the department
 17 of economic development to promote attendance at the
 18 state historical building and at this state's historic
 19 sites.

20 2. COMMUNITY CULTURAL GRANTS

21 For planning and programming for the community
 22 cultural grants program established under section
 23 303.3:

24 \$ 299,240

25 3. HISTORICAL DIVISION

26 For salaries, support, maintenance, miscellaneous
 27 purposes, and for not more than the following full-
 28 time equivalent positions:

29 \$ 3,040,920

30 FTEs 65.00

31 4. HISTORIC SITES

32 For salaries, support, maintenance, and
 33 miscellaneous purposes:

34 \$ 526,459

35 5. ARTS DIVISION

36 For salaries, support, maintenance, miscellaneous
 37 purposes, including funds to match federal grants and

38 for not more than the following full-time equivalent
 39 positions:
 40 \$ 1,157,486
 41 FTEs 11.25
 42 6. GREAT PLACES
 43 For salaries, support, maintenance, and
 44 miscellaneous purposes:
 45 \$ 200,000
 46 7. ARCHIVE IOWA GOVERNORS' RECORDS
 47 For archiving the records of Iowa governors:
 48 \$ 75,000
 49 DEPARTMENT OF EDUCATION
 50 Sec. 6. There is appropriated from the general

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1 fund of the state to the department of education for
 2 the fiscal year beginning July 1, 2005, and ending
 3 June 30, 2006, the following amounts, or so much
 4 thereof as may be necessary, to be used for the
 5 purposes designated:
 6 1. GENERAL ADMINISTRATION
 7 For salaries, support, maintenance, miscellaneous
 8 purposes, and for not more than the following full-
 9 time equivalent positions:
 10 \$ 5,139,542
 11 FTEs 76.27
 12 The director of the department of education shall
 13 ensure that all school districts are aware of the
 14 state education resources available on the state
 15 website for listing teacher job openings and shall
 16 make every reasonable effort to enable qualified
 17 practitioners to post their resumes on the state
 18 website. The department shall administer the posting
 19 of job vacancies for school districts, accredited
 20 nonpublic schools, and area education agencies on the
 21 state website. The department may coordinate this
 22 activity with the Iowa school board association or
 23 other interested education associations in the state.
 24 The department shall strongly encourage school
 25 districts to seek direct claiming under the medical
 26 assistance program for funding of school district
 27 nursing services for students.
 28 2. VOCATIONAL EDUCATION ADMINISTRATION
 29 For salaries, support, maintenance, miscellaneous
 30 purposes, and for not more than the following full-
 31 time equivalent positions:
 32 \$ 514,828
 33 FTEs 13.80
 34 3. VOCATIONAL REHABILITATION SERVICES DIVISION
 35 a. For salaries, support, maintenance,
 36 miscellaneous purposes, and for not more than the

37 following full-time equivalent positions:
 38 \$ 4,475,050
 39 FTEs 273.50
 40 The division of vocational rehabilitation services
 41 shall seek funding from other sources, such as local
 42 funds, for purposes of matching the state's federal
 43 vocational rehabilitation allocation, as well as for
 44 matching other federal vocational rehabilitation
 45 funding that may become available.
 46 Except where prohibited under federal law, the
 47 division of vocational rehabilitation services of the
 48 department of education shall accept client
 49 assessments, or assessments of potential clients,
 50 performed by other agencies in order to reduce

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1 duplication of effort.
 2 Notwithstanding the full-time equivalent position
 3 limit established in this lettered paragraph, for the
 4 fiscal year ending June 30, 2006, if federal funding
 5 is received to pay the costs of additional employees
 6 for the vocational rehabilitation services division
 7 who would have duties relating to vocational
 8 rehabilitation services paid for through federal
 9 funding, authorization to hire not more than 4.00
 10 additional full-time equivalent employees shall be
 11 provided, the full-time equivalent position limit
 12 shall be exceeded, and the additional employees shall
 13 be hired by the division.
 14 b. For matching funds for programs to enable
 15 persons with severe physical or mental disabilities to
 16 function more independently, including salaries and
 17 support, and for not more than the following full-time
 18 equivalent position:
 19 \$ 54,150
 20 FTEs 1.00
 21 The highest priority use for the moneys
 22 appropriated under this lettered paragraph shall be
 23 for programs that emphasize employment and assist
 24 persons with severe physical or mental disabilities to
 25 find and maintain employment to enable them to
 26 function more independently.
 27 4. STATE LIBRARY
 28 a. For salaries, support, maintenance,
 29 miscellaneous purposes, and for not more than the
 30 following full-time equivalent positions:
 31 \$ 1,378,555
 32 FTEs 18.00
 33 b. For the enrich Iowa program:
 34 \$ 1,698,432
 35 (1) Funds allocated for purposes of the enrich

36 Iowa program as provided in this lettered paragraph
37 shall be distributed by the division of libraries and
38 information services to provide support for Iowa's
39 libraries. The commission of libraries shall develop
40 rules governing the allocation of funds provided by
41 the general assembly for the enrich Iowa program to
42 provide direct state assistance to public libraries
43 and to fund the open access and access plus programs.
44 Direct state assistance to eligible public libraries
45 is provided as an incentive to improve library
46 services and to reduce inequities among communities in
47 the delivery of library services based on recognized
48 and adopted performance measures. Funds distributed
49 as direct state assistance shall be distributed to
50 eligible public libraries that are in compliance with

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1 performance measures adopted by rule by the commission
2 of libraries. The funds allocated as provided in this
3 lettered paragraph shall not be used for the costs of
4 administration by the division. The amount of direct
5 state assistance distributed to each eligible public
6 library shall be based upon the following:
7 (a) The level of compliance by the eligible public
8 library with the performance measures adopted by the
9 commission as provided in this subparagraph.
10 (b) The number of people residing within an
11 eligible library's geographic service area for whom
12 the library provides services.
13 (c) The amount of other funding the eligible
14 public library received in the previous fiscal year
15 for providing services to rural residents and to
16 contracting communities.
17 (2) Moneys received by a public library under this
18 lettered paragraph shall supplement, not supplant, any
19 other funding received by the library.
20 (3) For purposes of this section, "eligible public
21 library" means a public library that meets all of the
22 following requirements:
23 (a) Submits to the division all of the following:
24 (i) The report provided for under section 256.51,
25 subsection 1, paragraph "h".
26 (ii) An application and accreditation report, in a
27 format approved by the commission, that provides
28 evidence of the library's compliance with at least one
29 level of the standards established in accordance with
30 section 256.51, subsection 1, paragraph "k".
31 (iii) Any other application or report the division
32 deems necessary for the implementation of the enrich
33 Iowa program.
34 (b) Participates in the library resource and

35 information sharing programs established by the state
 36 library.
 37 (c) Is a public library established by city
 38 ordinance or a library district as provided in chapter
 39 336.
 40 (4) Each eligible public library shall maintain a
 41 separate listing within its budget for payments
 42 received and expenditures made pursuant to this
 43 lettered paragraph, and shall annually submit this
 44 listing to the division.
 45 (5) By January 15, 2007, the division shall submit
 46 a program evaluation report to the general assembly
 47 and the governor detailing the uses and the impacts of
 48 funds allocated under this lettered paragraph.
 49 (6) A public library that receives funds in
 50 accordance with this lettered paragraph shall have an

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1 internet use policy in place, which may or may not
 2 include internet filtering. The library shall submit
 3 a report describing the library's internet use efforts
 4 to the division.
 5 (7) A public library that receives funds in
 6 accordance with this lettered paragraph shall provide
 7 open access, the reciprocal borrowing program, as a
 8 service to its patrons, at a reimbursement rate
 9 determined by the state library.

10 5. LIBRARY SERVICE AREA SYSTEM
 11 For state aid:
 12 \$ 1,376,558

13 6. PUBLIC BROADCASTING DIVISION
 14 For salaries, support, maintenance, capital
 15 expenditures, miscellaneous purposes, and for not more
 16 than the following full-time equivalent positions:
 17 \$ 7,356,722
 18 FTEs 86.00

19 7. REGIONAL TELECOMMUNICATIONS COUNCILS
 20 For state aid:
 21 \$ 1,240,478

22 The regional telecommunications councils
 23 established in section 8D.5 shall use the funds
 24 appropriated in this subsection to provide technical
 25 assistance for network classrooms, planning and
 26 troubleshooting for local area networks, scheduling of
 27 video sites, and other related support activities.

28 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
 29 For reimbursement for vocational education
 30 expenditures made by secondary schools:
 31 \$ 2,936,904

32 Funds appropriated in this subsection shall be used
 33 for expenditures made by school districts to meet the

34 standards set in sections 256.11, 258.4, and 260C.14
 35 as a result of the enactment of 1989 Iowa Acts,
 36 chapter 278. Funds shall be used as reimbursement for
 37 vocational education expenditures made by secondary
 38 schools in the manner provided by the department of
 39 education for implementation of the standards set in
 40 1989 Iowa Acts, chapter 278.
 41 9. SCHOOL FOOD SERVICE
 42 For use as state matching funds for federal
 43 programs that shall be disbursed according to federal
 44 regulations, including salaries, support, maintenance,
 45 and miscellaneous purposes:
 46 \$ 2,509,683
 47 10. IOWA EMPOWERMENT FUND
 48 For deposit in the school ready children grants
 49 account of the Iowa empowerment fund created in
 50 section 28.9:

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1 \$ 23,781,594
 2 a. From the moneys deposited in the school ready
 3 children grants account for the fiscal year beginning
 4 July 1, 2005, and ending June 30, 2006, not more than
 5 \$300,000 is allocated for the community empowerment
 6 office and other technical assistance activities and
 7 of that amount, not more than \$50,000 shall be used to
 8 administer the early childhood coordinator's position
 9 pursuant to section 28.3, subsection 6A, if enacted by
 10 2005 Iowa Acts, [House File 761](#), and not more than
 11 \$50,000 shall be used to implement an early childhood
 12 Iowa website for wide dissemination of early care and
 13 early childhood learning information and assistance.
 14 It is the intent of the general assembly that regional
 15 technical assistance teams will be established and
 16 will include staff from various agencies, as
 17 appropriate, including the area education agencies,
 18 community colleges, and the Iowa state university of
 19 science and technology cooperative extension service
 20 in agriculture and home economics. The Iowa
 21 empowerment board shall direct staff to work with the
 22 advisory council to inventory technical assistance
 23 needs. Funds allocated under this lettered paragraph
 24 may be used by the Iowa empowerment board for the
 25 purpose of skills development and support for ongoing
 26 training of the regional technical assistance teams.
 27 However, funds shall not be used for additional staff
 28 or for the reimbursement of staff.
 29 b. Notwithstanding any other provision of law to
 30 the contrary, the community empowerment office shall
 31 use the documentation created by the legislative
 32 services agency to continue the implementation of the

33 four-year phase-in period of the distribution formula
 34 approved by the community empowerment board.
 35 c. As a condition of receiving funding
 36 appropriated in this subsection, each community
 37 empowerment area board shall report to the Iowa
 38 empowerment board progress on each of the state
 39 indicators approved by the state board, as well as
 40 progress on local indicators. The community
 41 empowerment area board must also submit a written plan
 42 amendment extending by one year the area's
 43 comprehensive school ready children grant plan
 44 developed for providing services for children from
 45 birth through five years of age and provide other
 46 information specified by the Iowa empowerment board.
 47 The amendment may also provide for changes in the
 48 programs and services provided under the plan. The
 49 Iowa empowerment board shall establish a submission
 50 deadline for the plan amendment that allows a

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1 reasonable period of time for preparation of the plan
 2 amendment and for review and approval or request for
 3 modification of the plan amendment by the Iowa
 4 empowerment board. In addition, the community
 5 empowerment board must continue to comply with
 6 reporting provisions and other requirements adopted by
 7 the Iowa empowerment board in implementing section
 8 28.8.

9 d. Of the amount appropriated in this subsection
 10 for deposit in the school ready children grants
 11 account of the Iowa empowerment fund that is used for
 12 distribution to areas, \$4,650,000 shall be used to
 13 assist low-income parents with preschool tuition.

14 e. Of the amount appropriated in this subsection
 15 for deposit in the school ready children grants
 16 account of the Iowa empowerment fund that is used for
 17 distribution to areas, \$1,000,000 shall be used to
 18 collaborate with area education agencies and community
 19 colleges to provide both child care and preschool
 20 providers with ready access to high-quality
 21 professional development.

22 11. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

23 To provide funds for costs of providing textbooks
 24 to each resident pupil who attends a nonpublic school
 25 as authorized by section 301.1. The funding is
 26 limited to \$20 per pupil and shall not exceed the
 27 comparable services offered to resident public school
 28 pupils:

29 \$ 614,058

30 12. STUDENT ACHIEVEMENT AND TEACHER QUALITY
 31 PROGRAM

32	For purposes, as provided in law, of the student	
33	achievement and teacher quality program established	
34	pursuant to chapter 284:	
35	\$ 69,593,894
36	13. COMMUNITY COLLEGES	
37	For general state financial aid to merged areas as	
38	defined in section 260C.2 in accordance with chapters	
39	258 and 260C:	
40	\$146,063,888
41	The funds appropriated in this subsection shall be	
42	allocated as provided under section 260C.18C, as	
43	enacted by this Act, as follows:	
44	a. Merged Area I	\$ 7,043,136
45	b. Merged Area II	\$ 8,139,764
46	c. Merged Area III	\$ 7,546,392
47	d. Merged Area IV	\$ 3,695,536
48	e. Merged Area V	\$ 7,913,500
49	f. Merged Area VI	\$ 7,164,571
50	g. Merged Area VII	\$ 10,403,251

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1	h. Merged Area IX	\$ 12,820,428
2	i. Merged Area X	\$ 20,697,708
3	j. Merged Area XI	\$ 21,467,229
4	k. Merged Area XII	\$ 8,467,199
5	l. Merged Area XIII	\$ 8,618,079
6	m. Merged Area XIV	\$ 3,740,768
7	n. Merged Area XV	\$ 11,760,384
8	o. Merged Area XVI	\$ 6,585,943
9	Sec. 7. STATEWIDE TEACHER INTERN PROGRAM –	
10	FEDERAL GRANT APPLICATION COORDINATION.	
11	The department shall work cooperatively with the	
12	state board of regents and other appropriate eligible	
13	grantees to obtain any available federal funding,	
14	including grants that may be available for the	
15	establishment and operation of a teacher intern	
16	program.	
17	Sec. 8. BOARD OF EDUCATIONAL EXAMINERS LICENSING	
18	FEES. Notwithstanding section 272.10, for the fiscal	
19	year beginning July 1, 2005, and ending June 30, 2006,	
20	the executive director of the board of educational	
21	examiners shall deposit at least 20 percent of the	
22	fees collected annually with the treasurer of state	
23	which shall be credited to the general fund of the	
24	state. The remaining licensing fees collected during	
25	the fiscal year beginning July 1, 2005, and retained	
26	are appropriated to the board for the purposes related	
27	to the board's duties. Notwithstanding section 8.33,	
28	licensing fees retained by and appropriated to the	
29	board pursuant to this section that remain	
30	unencumbered or unobligated at the close of the fiscal	

31 year in an amount of not more than 10 percent of the
32 total licensing fees collected by the board by the
33 close of the fiscal year shall not revert but shall
34 remain available for expenditure for the purposes
35 designated until the close of the succeeding fiscal
36 year.
37 Sec. 9. EDUCATOR LICENSING REVIEW WORKING GROUP.
38 1. The board of educational examiners, in
39 consultation with the department of education, shall
40 convene a working group whose work shall be conducted
41 over a three-year period to identify and recommend
42 measures to improve Iowa's current teacher and
43 administrator preparation and licensing practices.
44 The working group shall review the current teacher and
45 administrator preparation and licensing processes to
46 identify essential standards to maintain quality
47 preparation and licensing requirements for teachers
48 and administrators. The review shall also do the
49 following:
50 a. Identify state laws and agency rules that are

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1 no longer essential to maintain quality.
2 b. Compare Iowa's teacher and administrator
3 preparation and licensing practices with those of
4 neighboring states, and identify those areas where
5 Iowa's practices differ from, or are consistent with,
6 the practices of the states neighboring Iowa.
7 c. Identify potential barriers preventing teacher
8 and administrator candidates from neighboring states
9 from applying for licensure in Iowa.
10 d. Review federal laws and regulations relating to
11 teachers and teacher licensure in order to ensure
12 compliance with federal laws and regulations,
13 especially those relating to highly qualified
14 teachers.
15 2. The working group shall consist of teachers,
16 administrators, and representatives of the department
17 of education, the state board of education, the board
18 of educational examiners, and practitioner preparation
19 institutions.
20 3. The working group shall annually submit its
21 findings and recommendations to the chairpersons and
22 ranking members of the senate and house standing
23 education committees and the joint appropriations
24 subcommittee on education by January 15.
25 Sec. 10. MINIMUM TEACHER SALARY REQUIREMENTS – FY
26 2005-2006.
27 1. Notwithstanding section 284.7, subsection 1,
28 paragraph "a", subparagraph (2), the minimum teacher
29 salary paid by a school district or area education

30 agency for purposes of teacher compensation in
31 accordance with chapter 284, for the fiscal year
32 beginning July 1, 2005, and ending June 30, 2006,
33 shall be the minimum salary amount the school district
34 or area education agency paid to a first-year
35 beginning teacher or, the minimum salary amount the
36 school district or area education agency would have
37 paid a first-year beginning teacher if the school
38 district or area education agency had participated in
39 the program in the 2001-2002 school year, in
40 accordance with section 284.7, subsection 1, Code
41 Supplement 2001. If the school district or area
42 education agency did not employ a first-year beginning
43 teacher in the 2001-2002 school year, the minimum
44 salary is the amount that the district would have paid
45 a first-year beginning teacher under chapter 284 in
46 the 2001-2002 school year.

47 2. Notwithstanding section 284.7, subsection 1,
48 paragraph "b", subparagraph (2), the minimum career
49 teacher salary paid to a career teacher who was a
50 beginning teacher in the 2004-2005 school year, by a

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1 school district or area education agency participating
2 in the student achievement and teacher quality
3 program, for the school year beginning July 1, 2005,
4 and ending June 30, 2006, shall be, unless the school
5 district has a minimum career teacher salary that
6 exceeds thirty thousand dollars, one thousand dollars
7 greater than the minimum salary amount the school
8 district or area education agency paid to a first-year
9 beginning teacher if the school district or area
10 education agency participated in the program during
11 the 2001-2002 school year, or the minimum salary
12 amount the school district or area education agency
13 would have paid a first-year beginning teacher if the
14 school district or area education agency had
15 participated in the program in the 2001-2002 school
16 year, in accordance with section 284.7, subsection 1,
17 Code Supplement 2001.

18 3. Notwithstanding section 284.7, subsection 1,
19 paragraph "b", subparagraph (2), and except as
20 provided in subsection 2, the minimum career teacher
21 salary paid by a school district or area education
22 agency participating in the student achievement and
23 teacher quality program, for purposes of teacher
24 compensation in accordance with chapter 284, for the
25 school year beginning July 1, 2005, and ending June
26 30, 2006, shall be the minimum salary amount the
27 school district or area education agency paid to a
28 career teacher if the school district or area

29 education agency participated in the program during
 30 the 2001-2002 school year, or, the minimum salary
 31 amount the school district or area education agency
 32 would have paid a career teacher if the school
 33 district or area education agency had participated in
 34 the program in the 2001-2002 school year, in
 35 accordance with section 284.7, subsection 1, Code
 36 Supplement 2001.

37 STATE BOARD OF REGENTS

38 Sec. 11. There is appropriated from the general
 39 fund of the state to the state board of regents for
 40 the fiscal year beginning July 1, 2005, and ending
 41 June 30, 2006, the following amounts, or so much
 42 thereof as may be necessary, to be used for the
 43 purposes designated:

44 1. OFFICE OF STATE BOARD OF REGENTS

45 a. For salaries, support, maintenance,
 46 miscellaneous purposes, and for not more than the
 47 following full-time equivalent positions:

48 \$ 1,167,137
 49 FTEs 16.00

50 The state board of regents, the department of

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1 management, and the legislative services agency shall
 2 cooperate to determine and agree upon, by November 15,
 3 2005, the amount that needs to be appropriated for
 4 tuition replacement for the fiscal year beginning July
 5 1, 2006.

6 The state board of regents shall submit a monthly
 7 financial report in a format agreed upon by the state
 8 board of regents office and the legislative services
 9 agency.

10 b. For allocation by the state board of regents to
 11 the state university of Iowa, the Iowa state
 12 university of science and technology, and the
 13 university of northern Iowa to reimburse the
 14 institutions for deficiencies in their operating funds
 15 resulting from the pledging of tuitions, student fees
 16 and charges, and institutional income to finance the
 17 cost of providing academic and administrative
 18 buildings and facilities and utility services at the
 19 institutions:

20 \$ 13,975,431

21 Notwithstanding section 8.33, funds appropriated
 22 for the purposes in this lettered paragraph remaining
 23 unencumbered or unobligated at the end of the fiscal
 24 year shall not revert but shall be available for
 25 expenditure for the purposes specified in this
 26 lettered paragraph during the subsequent fiscal year.

27 c. For funds to be allocated to the southwest Iowa

28 graduate studies center:
 29 \$ 105,956
 30 d. For funds to be allocated to the siouxland
 31 interstate metropolitan planning council for the
 32 tristate graduate center under section 262.9,
 33 subsection 21:
 34 \$ 77,941
 35 e. For funds to be allocated to the quad-cities
 36 graduate studies center:
 37 \$ 157,144
 38 f. For funds for regents universities' general
 39 operating budgets:
 40 \$ 21,219,288
 41 The funds appropriated for purposes of this
 42 lettered paragraph are subject to the following
 43 allocations and requirements:
 44 (1) The partnership for transformation and
 45 excellence is a four-year partnership plan created by
 46 the state board of regents for the purpose of
 47 enhancing the regents' strategic priorities for
 48 educational quality and public accountability. Under
 49 the plan, Iowa students and families will be subject
 50 to moderate student tuition increases, and a clear and

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1 concise reallocation plan that may be audited will
 2 exist to strengthen the academic focus at the regents
 3 universities. The reallocation plan will enhance the
 4 quality of the regents universities and provide both
 5 an incentive and an opportunity for university-wide
 6 reprioritization and reallocation of resources to the
 7 most important strategic areas.
 8 (2) The funds shall be distributed by the board as
 9 outlined in the state board of regents partnership for
 10 transformation and excellence. The funds may be used
 11 for any of the following purposes:
 12 (a) Supporting new strategic initiatives.
 13 (b) Meeting enrollment increases.
 14 (c) Meeting the demand for new courses and
 15 services.
 16 (d) Funding new but unavoidable or mandated cost
 17 increases.
 18 (e) Supporting any other initiatives important to
 19 the core functions of the university.
 20 The funds may also be used for pay adjustments,
 21 expense reimbursements, and related benefits for state
 22 board of regents employees covered by a collective
 23 bargaining agreement and for state board of regents
 24 employees not covered by a collective bargaining
 25 agreement. The board shall provide from other
 26 available sources any additional funding needed for

27 such pay adjustments, expense reimbursements, and
28 related benefits.

29 (3) The state board of regents shall annually set
30 a target dollar amount or percentage figure of
31 expected reallocation of resources for each
32 university. The universities shall report to the
33 board on a semiannual basis regarding the actions
34 taken relating to the reallocations. Once funds have
35 been reallocated, that amount shall not be redirected
36 to the original entity or purpose unless extraordinary
37 circumstances exist and an equivalent reallocation
38 amount is increased for the same fiscal year. A
39 reallocation of resources may be made for any of the
40 following purposes:

41 (a) Supporting new strategic initiatives.

42 (b) Meeting enrollment increases.

43 (c) Meeting the demand for new courses and
44 services.

45 (d) Funding new but unavoidable or mandated cost
46 increases.

47 (e) Supporting any other initiatives important to
48 the core functions of the university.

49 (4) For the purposes of this lettered paragraph:

50 (a) "Entity" means a president, vice president, or

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1 a college, academic or nonacademic department,
2 division, program, or other unit.

3 (b) "Reallocation of resources" means funds within
4 the base budget of a university entity are removed by
5 the administrator of that entity and redirected to
6 another university entity or purpose.

7 (5) The state university of Iowa, the Iowa state
8 university of science and technology, and the
9 university of northern Iowa shall each generate
10 matching internal reallocations in an amount equal to
11 50 percent of the amounts received by the universities
12 pursuant to this lettered paragraph.

13 (6) From the moneys allocated to the Iowa state
14 university of science and technology pursuant to this
15 lettered paragraph, an amount equal to \$127,000 shall
16 be distributed to the college of veterinary medicine
17 to reduce the operating fees charged by the veterinary
18 diagnostic laboratory. If Iowa state university of
19 science and technology fails to distribute funds to
20 the college of veterinary science in accordance with
21 this paragraph, the moneys shall revert to the general
22 fund of the state. The Iowa state university of
23 science and technology shall prepare a report on the
24 operation of the veterinary diagnostic laboratory
25 which shall include, but shall not be limited to, the

26 following information:

27 (a) The current business structure of the
28 veterinary diagnostic laboratory, along with a
29 comparison to business structures of similar
30 laboratories at other institutions of higher learning.

31 (b) Recent trends in fees for services charged by
32 the veterinary diagnostic laboratory and by similar
33 laboratories at other institutions of higher learning.

34 (c) The use of other funding sources, including
35 state general fund appropriations for the veterinary
36 diagnostic laboratory and a comparison to funding
37 sources at similar laboratories at other institutions
38 of higher learning.

39 (d) Recommendations for changes in the business
40 structure and methods of funding for the veterinary
41 diagnostic laboratory.

42 The report shall be submitted to the governor and
43 the general assembly not later than October 1, 2005.

44 g. For funds to be distributed to the midwestern
45 higher education compact to pay Iowa's member state
46 annual obligation:

47 \$ 90,000

48 2. STATE UNIVERSITY OF IOWA

49 a. General university, including lakeside
50 laboratory

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1 For salaries, support, maintenance, equipment,
2 miscellaneous purposes, and for not more than the
3 following full-time equivalent positions:

4 \$220,131,572

5 FTEs 5,058.55

6 It is the intent of the general assembly that the
7 university continue progress on the school of public
8 health and the public health initiative for the
9 purposes of establishing an accredited school of
10 public health and for funding an initiative for the
11 health and independence of elderly Iowans.

12 b. University hospitals

13 For salaries, support, maintenance, equipment, and
14 miscellaneous purposes and for medical and surgical
15 treatment of indigent patients as provided in chapter
16 255, for medical education, and for not more than the
17 following full-time equivalent positions:

18 \$ 27,284,584

19 FTEs 6,877.34

20 (1) The university of Iowa hospitals and clinics
21 shall, within the context of chapter 255 and when
22 medically appropriate, make reasonable efforts to
23 extend the university of Iowa hospitals and clinics'
24 use of home telemedicine and other technologies to

25 reduce the frequency of visits to the hospital
26 required by the indigent patients.
27 (2) The university of Iowa hospitals and clinics
28 shall submit quarterly a report regarding the portion
29 of the appropriation in this lettered paragraph
30 expended on medical education. The report shall be
31 submitted in a format jointly developed by the
32 university of Iowa hospitals and clinics, the
33 legislative services agency, and the department of
34 management, and shall delineate the expenditures and
35 purposes of the funds.
36 (3) Funds appropriated in this lettered paragraph
37 shall not be used to perform abortions except
38 medically necessary abortions, and shall not be used
39 to operate the early termination of pregnancy clinic
40 except for the performance of medically necessary
41 abortions. For the purpose of this lettered
42 paragraph, an abortion is the purposeful interruption
43 of pregnancy with the intention other than to produce
44 a live-born infant or to remove a dead fetus, and a
45 medically necessary abortion is one performed under
46 one of the following conditions:
47 (a) The attending physician certifies that
48 continuing the pregnancy would endanger the life of
49 the pregnant woman.
50 (b) The attending physician certifies that the

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1 fetus is physically deformed, mentally deficient, or
2 afflicted with a congenital illness.
3 (c) The pregnancy is the result of a rape which is
4 reported within 45 days of the incident to a law
5 enforcement agency or public or private health agency
6 which may include a family physician.
7 (d) The pregnancy is the result of incest which is
8 reported within 150 days of the incident to a law
9 enforcement agency or public or private health agency
10 which may include a family physician.
11 (e) The abortion is a spontaneous abortion,
12 commonly known as a miscarriage, wherein not all of
13 the products of conception are expelled.
14 (4) The total quota allocated to the counties for
15 indigent patients for the fiscal year beginning July
16 1, 2005, shall not be lower than the total quota
17 allocated to the counties for the fiscal year
18 commencing July 1, 1998. The total quota shall be
19 allocated among the counties on the basis of the 2000
20 census pursuant to section 255.16.
21 c. Psychiatric hospital
22 For salaries, support, maintenance, equipment,
23 miscellaneous purposes, and for the care, treatment,

24 and maintenance of committed and voluntary public
 25 patients, and for not more than the following full-
 26 time equivalent positions:
 27 \$ 7,043,056
 28 FTEs 269.65
 29 d. Center for disabilities and development
 30 For salaries, support, maintenance, miscellaneous
 31 purposes, and for not more than the following full-
 32 time equivalent positions:
 33 \$ 6,363,265
 34 FTEs 130.37
 35 From the funds appropriated in this lettered
 36 paragraph, \$200,000 shall be allocated for purposes of
 37 the employment policy group.
 38 e. Oakdale campus
 39 For salaries, support, maintenance, miscellaneous
 40 purposes, and for not more than the following full-
 41 time equivalent positions:
 42 \$ 2,657,335
 43 FTEs 38.25
 44 f. State hygienic laboratory
 45 For salaries, support, maintenance, miscellaneous
 46 purposes, and for not more than the following full-
 47 time equivalent positions:
 48 \$ 3,849,461
 49 FTEs 102.50
 50 g. Family practice program

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1 For allocation by the dean of the college of
 2 medicine, with approval of the advisory board, to
 3 qualified participants, to carry out chapter 148D for
 4 the family practice program, including salaries and
 5 support, and for not more than the following full-time
 6 equivalent positions:
 7 \$ 2,075,948
 8 FTEs 190.40
 9 h. Child health care services
 10 For specialized child health care services,
 11 including childhood cancer diagnostic and treatment
 12 network programs, rural comprehensive care for
 13 hemophilia patients, and the Iowa high-risk infant
 14 follow-up program, including salaries and support, and
 15 for not more than the following full-time equivalent
 16 positions:
 17 \$ 649,066
 18 FTEs 57.97
 19 i. Statewide cancer registry
 20 For the statewide cancer registry, and for not more
 21 than the following full-time equivalent positions:
 22 \$ 178,739

23 FTEs 2.10
 24 j. Substance abuse consortium
 25 For funds to be allocated to the Iowa consortium
 26 for substance abuse research and evaluation, and for
 27 not more than the following full-time equivalent
 28 position:
 29 \$ 64,871
 30 FTEs 1.00
 31 k. Center for biocatalysis
 32 For the center for biocatalysis, and for not more
 33 than the following full-time equivalent positions:
 34 \$ 881,384
 35 FTEs 6.28
 36 l. Primary health care initiative
 37 For the primary health care initiative in the
 38 college of medicine and for not more than the
 39 following full-time equivalent positions:
 40 \$ 759,875
 41 FTEs 5.89
 42 From the funds appropriated in this lettered
 43 paragraph, \$330,000 shall be allocated to the
 44 department of family practice at the state university
 45 of Iowa college of medicine for family practice
 46 faculty and support staff.
 47 m. Birth defects registry
 48 For the birth defects registry and for not more
 49 than the following full-time equivalent position:
 50 \$ 44,636

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1 FTEs 1.00
 2 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
 3 a. General university
 4 For salaries, support, maintenance, equipment,
 5 miscellaneous purposes, and for not more than the
 6 following full-time equivalent positions:
 7 \$173,269,729
 8 FTEs 3,647.42
 9 It is the intent of the general assembly that the
 10 university continue progress on the center for
 11 excellence in fundamental plant sciences.
 12 b. Agricultural experiment station
 13 For salaries, support, maintenance, miscellaneous
 14 purposes, and for not more than the following full-
 15 time equivalent positions:
 16 \$ 31,019,520
 17 FTEs 546.98
 18 c. Cooperative extension service in agriculture
 19 and home economics
 20 For salaries, support, maintenance, miscellaneous
 21 purposes, and for not more than the following full-

22 time equivalent positions:
 23 \$ 19,738,432
 24 FTEs 383.34
 25 d. Leopold center
 26 For agricultural research grants at Iowa state
 27 university under section 266.39B, and for not more
 28 than the following full-time equivalent positions:
 29 \$ 464,319
 30 FTEs 11.25
 31 e. Livestock disease research
 32 For deposit in and the use of the livestock disease
 33 research fund under section 267.8:
 34 \$ 220,708
 35 4. UNIVERSITY OF NORTHERN IOWA
 36 a. General university
 37 For salaries, support, maintenance, equipment,
 38 miscellaneous purposes, and for not more than the
 39 following full-time equivalent positions:
 40 \$ 77,831,821
 41 FTEs 1,398.01
 42 It is the intent of the general assembly that the
 43 university continue to allocate funds for a masters in
 44 social work program, the roadside vegetation project,
 45 and the Iowa office for staff development.
 46 b. Recycling and reuse center
 47 For purposes of the recycling and reuse center, and
 48 for not more than the following full-time equivalent
 49 positions:
 50 \$ 211,858

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1 FTEs 3.00
 2 5. STATE SCHOOL FOR THE DEAF
 3 For salaries, support, maintenance, miscellaneous
 4 purposes, and for not more than the following full-
 5 time equivalent positions:
 6 \$ 8,810,471
 7 FTEs 126.60
 8 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
 9 For salaries, support, maintenance, miscellaneous
 10 purposes, and for not more than the following full-
 11 time equivalent positions:
 12 \$ 4,930,295
 13 FTEs 81.00
 14 7. TUITION AND TRANSPORTATION COSTS
 15 For payment to local school boards for the tuition
 16 and transportation costs of students residing in the
 17 Iowa braille and sight saving school and the state
 18 school for the deaf pursuant to section 262.43 and for
 19 payment of certain clothing, prescription, and
 20 transportation costs for students at these schools

21 pursuant to section 270.5:
 22 \$ 15,020
 23 Sec. 12. INSTITUTE FOR TOMORROW'S WORKFORCE.
 24 There is appropriated from the general fund of the
 25 state to the department of management for allocation
 26 to the institute for tomorrow's workforce created
 27 under chapter 7K, if enacted by this Act, for the
 28 fiscal year beginning July 1, 2005, and ending June
 29 30, 2006, the following amount, or so much thereof as
 30 is necessary, to be used for the purposes designated:
 31 For the activities of the institute created
 32 pursuant to section 7K.1, and subject to the matching
 33 fund requirement of that section, if enacted:
 34 \$ 250,000
 35 Sec. 13. MEDICAL ASSISTANCE - SUPPLEMENTAL
 36 AMOUNTS. For the fiscal year beginning July 1, 2005,
 37 and ending June 30, 2006, the department of human
 38 services shall continue the supplemental
 39 disproportionate share and a supplemental indirect
 40 medical education adjustment applicable to state-
 41 owned acute care hospitals with more than 500 beds and
 42 shall reimburse qualifying hospitals pursuant to that
 43 adjustment with a supplemental amount for services
 44 provided medical assistance recipients. The
 45 adjustment shall generate supplemental payments
 46 intended to equal the state appropriation made to a
 47 qualifying hospital for treatment of indigent patients
 48 as provided in chapter 255. To the extent of the
 49 supplemental payments, a qualifying hospital shall,
 50 after receipt of the funds, transfer to the department

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1 of human services an amount equal to the actual
 2 supplemental payments that were made in that month.
 3 The aggregate amounts for the fiscal year shall not
 4 exceed the state appropriation made to the qualifying
 5 hospital for treatment of indigent patients as
 6 provided in chapter 255. The department of human
 7 services shall deposit these funds in the department's
 8 medical assistance account. To the extent that state
 9 funds appropriated to a qualifying hospital for the
 10 treatment of indigent patients as provided in chapter
 11 255 have been transferred to the department of human
 12 services as a result of these supplemental payments
 13 made to the qualifying hospital, the department shall
 14 not, directly or indirectly, recoup the supplemental
 15 payments made to a qualifying hospital for any reason,
 16 unless an equivalent amount of the funds transferred
 17 to the department of human services by a qualifying
 18 hospital pursuant to this provision is transferred to
 19 the qualifying hospital by the department.

20 If the state supplemental amount allotted to the
21 state of Iowa for the federal fiscal year beginning
22 October 1, 2005, and ending September 30, 2006,
23 pursuant to section 1923(f)(3) of the federal Social
24 Security Act, as amended, or pursuant to federal
25 payments for indirect medical education is greater
26 than the amount necessary to fund the federal share of
27 the supplemental payments specified in the preceding
28 paragraph, the department of human services shall
29 increase the supplemental disproportionate share or
30 supplemental indirect medical education adjustment by
31 the lesser of the amount necessary to utilize fully
32 the state supplemental amount or the amount of state
33 funds appropriated to the state university of Iowa
34 general education fund and allocated to the university
35 for the college of medicine. The state university of
36 Iowa shall transfer from the allocation for the
37 college of medicine to the department of human
38 services, on a monthly basis, an amount equal to the
39 additional supplemental payments made during the
40 previous month pursuant to this paragraph. A
41 qualifying hospital receiving supplemental payments
42 pursuant to this paragraph that are greater than the
43 state appropriation made to the qualifying hospital
44 for treatment of indigent patients as provided in
45 chapter 255 shall be obligated as a condition of its
46 participation in the medical assistance program to
47 transfer to the state university of Iowa general
48 education fund on a monthly basis an amount equal to
49 the funds transferred by the state university of Iowa
50 to the department of human services. To the extent

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1 that state funds appropriated to the state university
2 of Iowa and allocated to the college of medicine have
3 been transferred to the department of human services
4 as a result of these supplemental payments made to the
5 qualifying hospital, the department shall not,
6 directly or indirectly, recoup these supplemental
7 payments made to a qualifying hospital for any reason,
8 unless an equivalent amount of the funds transferred
9 to the department of human services by the state
10 university of Iowa pursuant to this paragraph is
11 transferred to the qualifying hospital by the
12 department.

13 Continuation of the supplemental disproportionate
14 share and supplemental indirect medical education
15 adjustment shall preserve the funds available to the
16 university hospital for medical and surgical treatment
17 of indigent patients as provided in chapter 255 and to
18 the state university of Iowa for educational purposes

19 at the same level as provided by the state funds
20 initially appropriated for that purpose.
21 The department of human services shall, in any
22 compilation of data or other report distributed to the
23 public concerning payments to providers under the
24 medical assistance program, set forth reimbursements
25 to a qualifying hospital through the supplemental
26 disproportionate share and supplemental indirect
27 medical education adjustment as a separate item and
28 shall not include such payments in the amounts
29 otherwise reported as the reimbursement to a
30 qualifying hospital for services to medical assistance
31 recipients.

32 For purposes of this section, "supplemental
33 payment" means a supplemental payment amount paid for
34 medical assistance to a hospital qualifying for that
35 payment under this section.

36 Sec. 14. For the fiscal year beginning July 1,
37 2005, and ending June 30, 2006, the state board of
38 regents may use notes, bonds, or other evidences of
39 indebtedness issued under section 262.48 to finance
40 projects that will result in energy cost savings in an
41 amount that will cause the state board to recover the
42 cost of the projects within an average of six years.

43 Sec. 15. Notwithstanding section 270.7, the
44 department of administrative services shall pay the
45 state school for the deaf and the Iowa braille and
46 sight saving school the moneys collected from the
47 counties during the fiscal year beginning July 1,
48 2005, for expenses relating to prescription drug costs
49 for students attending the state school for the deaf
50 and the Iowa braille and sight saving school.

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1 Sec. 16. NEW SECTION. 7K.1 INSTITUTE FOR
2 TOMORROW'S WORKFORCE.

3 1. FINDINGS. The general assembly finds that
4 Iowa's children are this state's greatest asset and to
5 improve the future for Iowa's children, it is
6 necessary to focus elementary, secondary, and
7 postsecondary education efforts on what children need
8 to know to be successful students and successful
9 participants in Iowa's global workforce. Iowa's state
10 community and business leaders are at the forefront of
11 this ongoing conversation. The general assembly
12 further finds that the creation of an institute for
13 tomorrow's workforce provides a long-term forum for
14 bold, innovative recommendations to improve Iowa's
15 education system to meet the workforce needs of Iowa's
16 new economy.

17 2. FOUNDATION CREATED – DUTIES. There is created

18 a public body corporate and politic to be known as the
19 "institute for tomorrow's workforce, an educational
20 foundation". The foundation is an independent
21 nonprofit quasi-public instrumentality and the
22 exercise of the powers granted to the foundation as a
23 corporation in this chapter is an essential government
24 function. As used in this chapter, "foundation" means
25 the "institute for tomorrow's workforce, an
26 educational foundation". The foundation shall, at a
27 minimum, do the following:

- 28 a. Review educational standards to determine
29 relevance and rigor necessary for continuous
30 improvement in student achievement and meeting
31 workforce needs.
- 32 b. Identify jobs skills and corresponding high
33 school coursework necessary to achieve success in the
34 Iowa workforce.
- 35 c. Review the state's education accountability
36 measures, including but not limited to student
37 proficiency and individual and organization program
38 accountability.
- 39 d. Identify state and local barriers to improved
40 student achievement and student success as well as
41 barriers to sharing among and within all areas of
42 Iowa's education system.
- 43 e. Identify effective education structure and
44 delivery models that promote optimum student
45 achievement opportunities for all Iowa students that
46 include, but are not limited to, the role of
47 technology.
- 48 f. Serve as a clearinghouse for existing and
49 emerging innovative educational sharing and
50 collaborative efforts among and between Iowa's

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1 secondary education system as well as Iowa's
2 postsecondary education system.

- 3 g. Promote partnerships between private sector
4 business and all areas of Iowa's education system.
- 5 h. Promote partnerships between other Iowa
6 governance structures including, but not limited to,
7 cities and counties, and all areas of Iowa's education
8 system.
- 9 i. Identify ways to reduce the achievement gap
10 between white and non-white, non-Asian students.
- 11 j. The board of directors of the foundation,
12 within the limits of the funds available to the
13 foundation, shall do the following:
 - 14 (1) Employ an executive director to direct the
15 activities of the foundation.
 - 16 (2) Execute contracts with public and private

17 agencies to conduct research and development
18 activities.
19 (3) Perform functions necessary to carry out the
20 purposes of the foundation.
21 3. MEMBERSHIP. The board of directors of the
22 foundation shall consist of fifteen members serving
23 staggered three-year terms beginning on May 1 of the
24 year of appointment who shall be appointed as follows:
25 a. Five members shall be appointed by the governor
26 as follows:
27 (1) A school district superintendent from a school
28 district with enrollment of one thousand one hundred
29 forty-nine or fewer pupils.
30 (2) An individual representing an Iowa business
31 employing more than two hundred fifty employees.
32 (3) A community college president.
33 (4) An individual representing labor and workforce
34 interests.
35 (5) An individual representing an Iowa agriculture
36 association.
37 b. Five members shall be appointed by the speaker
38 of the house of representatives as follows:
39 (1) An individual representing the area education
40 agencies.
41 (2) The president of an accredited private
42 institution as defined in section 261.9.
43 (3) An individual representing an Iowa business
44 employing more than fifty employees but less than two
45 hundred fifty employees.
46 (4) An individual representing urban economic
47 development interests.
48 (5) An individual from an association representing
49 Iowa businesses.
50 c. Five members shall be appointed by the

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1 president of the senate as follows:
2 (1) A school district superintendent from a school
3 district with an enrollment of more than one thousand
4 one hundred forty-nine pupils.
5 (2) A president of an institution of higher
6 education under the control of the state board of
7 regents.
8 (3) An individual representing an Iowa business
9 employing fifty or fewer employees.
10 (4) An individual representing rural economic
11 development interests.
12 (5) An individual representing a business that
13 established itself in Iowa on or after July 1, 1999.
14 Members, except as provided in paragraph "c",
15 subparagraph (2), shall not be employed by the state.

16 One co-chairperson shall be appointed by the speaker
17 of the house of representatives and one co-chairperson
18 shall be appointed by the president of the senate.
19 4. MATCHING FUNDS REQUIREMENT. Moneys
20 appropriated by the general assembly for purposes of
21 the foundation shall be allocated only to the extent
22 that the state moneys are matched from other sources
23 by the foundation on a dollar-for-dollar basis.
24 5. REPORTING REQUIREMENTS. The foundation shall
25 submit its findings and recommendations by January 15
26 annually in a report to the governor, the speaker of
27 the house of representatives, the president of the
28 senate, the state board of education, the state board
29 of regents, the department of workforce development,
30 the department of economic development, the Iowa
31 association of community college trustees, the college
32 student aid commission, the Iowa association of
33 independent colleges and universities, and
34 associations representing school boards, nonpublic
35 schools, area education agencies, and teachers. The
36 report shall include an accounting of the revenues and
37 expenditures of the foundation.
38 6. This chapter is repealed effective July 1,
39 2015.
40 Sec. 17. Section 256.9, Code 2005, is amended by
41 adding the following new subsection:
42 NEW SUBSECTION. 53. Develop and make available to
43 school districts, examples of age-appropriate
44 materials and lists of resources which parents may use
45 to teach their children to recognize unwanted physical
46 and verbal sexual advances, to not make unwanted
47 physical and verbal sexual advances, to effectively
48 reject unwanted sexual advances, that it is wrong to
49 take advantage of or exploit another person, and about
50 counseling, medical, and legal resources available to

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1 survivors of sexual abuse and sexual assault,
2 including resources for escaping violent
3 relationships. The materials and resources shall
4 cover verbal, physical, and visual sexual harassment,
5 including nonconsensual sexual advances, and
6 nonconsensual physical sexual contact. In developing
7 the materials and resource list, the director shall
8 consult with entities that shall include, but not be
9 limited to, the departments of human services, public
10 health, and public safety, education stakeholders, and
11 parent-teacher organizations. School districts shall
12 provide age-appropriate materials and a list of
13 available community and web-based resources to parents
14 at registration and shall also include the age-

15 appropriate materials and resource list in the student
16 handbook. School districts are encouraged to work
17 with their communities to provide voluntary parent
18 education sessions to provide parents with the skills
19 and appropriate strategies to teach their children as
20 described in this subsection. School districts shall
21 incorporate the age-appropriate materials into
22 relevant curricula and shall reinforce the importance
23 of preventive measures when reasonable with parents
24 and students.

25 Sec. 18. NEW SECTION. 256.24 VALUE-ADDED
26 ASSESSMENT SYSTEM.

27 1. A value-added assessment system shall be
28 established by the department to provide for
29 multivariate longitudinal analysis of annual student
30 test scores to determine the influence of a school
31 district's educational program on student academic
32 growth and to guide school district improvement
33 efforts. The department shall select a value-added
34 assessment system provider through a request for
35 proposals process. The system provider selected by
36 the department shall offer a value-added assessment
37 system to calculate annually the academic growth of
38 each student enrolled in grade levels three through
39 eleven and tested in accordance with this section, and
40 shall, at a minimum, meet all of the following
41 criteria:

42 a. Use a mixed-model statistical analysis that has
43 the ability to use all achievement test data for each
44 student, including the data for students with missing
45 test scores, that does not adjust downward
46 expectations for student progress based on race,
47 poverty, or gender, and that will provide the best
48 linear unbiased predictions of school or other
49 educational entity effects to minimize the impact of
50 fortuitous accumulation of random errors.

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1 b. Have the ability to work with test data from a
2 variety of sources, including data that are not
3 vertically scaled, and to provide support for school
4 districts utilizing the system.

5 c. Have the capacity to receive and report results
6 electronically and provide support for districts
7 utilizing the system.

8 d. Have the ability to create for each school
9 district a chart that reports grade-equivalent scores
10 for grades three through eight and gains between
11 consecutive pairs of grades for each attendance center
12 and that provides for a district-wide study of grade-
13 equivalent scores.

14 2. Annually, each school district that administers
15 the Iowa test of basic skills or the Iowa test of
16 educational development shall, within thirty days of
17 receiving the test scores from the American college
18 testing program, inc., submit the test scores for each
19 attendance center within the school district and each
20 grade level tested, from grades three through eleven,
21 to the system provider selected pursuant to subsection
22 1. School districts may submit additional assessment
23 data for analysis and inclusion in reports provided to
24 school districts pursuant to subsection 3, to the
25 extent that the assessment meets the criteria for
26 valid academic progress interpretation specified by
27 the system provider.

28 3. The system provider shall provide analysis to
29 school districts submitting test scores pursuant to
30 subsection 2, and to the department of education. The
31 analysis shall include, but not be limited to,
32 attendance-center-level test results for the Iowa test
33 of basic skills in the areas of reading and
34 mathematics and other core academic areas when
35 possible. The analysis shall also include, but not be
36 limited to, the number of students tested, the number
37 of test results used to compute the averages, the
38 average standard score, the corresponding grade
39 equivalent score, the average stanine score for the
40 group, the normal curve equivalent of average standard
41 scores, and percentile ranks based on student norms,
42 as well as measures of student progress. The system
43 provider shall create a chart for each school district
44 in accordance with the criteria set forth in
45 subsection 1, paragraphs "a" through "d".

46 4. Each school district shall have complete access
47 to and full utilization of its own value-added
48 assessment reports and charts generated by the system
49 provider at the student level for the purpose of
50 measuring student achievement at different educational

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1 entity levels.

2 5. Student academic growth determined pursuant to
3 this section shall not be used in teacher evaluation
4 and shall not be published if individual teacher
5 effects can be surmised.

6 6. Information about student academic growth may
7 be used by the school district, including school board
8 members, administration, and staff, for defining
9 student and district learning goals and professional
10 development related to student learning goals across
11 the school district. A school district may submit its
12 academic growth measures in the annual report

13 submitted pursuant to section 256.7, subsection 21,
14 and may reference in the report state level norms for
15 purposes of demonstrating school district performance.
16 However, unless a school district chooses to submit
17 its academic measures in the annual report submitted
18 pursuant to section 256.7, such measures are not
19 public records for the purposes of chapter 22.
20 7. The department may use student academic
21 progress data to determine school improvement and
22 technical assistance needs of school districts, and to
23 identify school districts achieving exceptional gains.
24 Beginning January 15, 2006, and by January 15 of each
25 succeeding year, the department shall submit an annual
26 progress report regarding the use of student academic
27 growth information in the school improvement processes
28 to the house and senate education committees and shall
29 publish the progress report on its internet web site.
30 8. The department is encouraged to advocate that
31 the United States department of education allow
32 reporting of student academic progress as an
33 additional valid measure of school performance, as an
34 alternative for meeting federal safe harbor
35 provisions, and for establishing statewide progress
36 under the federal No Child Left Behind Act of 2001,
37 Pub. L. No. 107-110, and any federal regulations
38 adopted pursuant to the federal Act.
39 9. A school district shall use the value-added
40 assessment system established by the department
41 pursuant to subsection 1 not later than the school
42 year ending June 30, 2007. However, the director of
43 educational services of an area education agency may
44 grant a request made by a board of directors of a
45 school district located within the boundaries of the
46 area education agency stating its desire to use an
47 alternative system to compute and report value-added
48 scores that is statistically valid and reliable.
49 Sec. 19. Section 256.44, subsection 1, paragraph
50 a, Code 2005, is amended to read as follows:

Page 29

1 a. If a teacher registers for national board for
2 professional teaching standards certification prior to
3 June 30, ~~2005~~ 2006, a one-time initial reimbursement
4 award in the amount of up to one-half of the
5 registration fee paid by the teacher for registration
6 for certification by the national board for
7 professional teaching standards. The teacher shall
8 apply to the department of education within one year
9 of registration, submitting to the department any
10 documentation the department requires. A teacher who
11 receives an initial reimbursement award shall receive

12 a one-time final registration award in the amount of
13 the remaining national board registration fee paid by
14 the teacher if the teacher notifies the department of
15 the teacher's certification achievement and submits
16 any documentation requested by the department.

17 Sec. 20. Section 256.44, subsection 1, paragraph
18 b, subparagraph 2, Code 2005, is amended to read as
19 follows:

20 (2) If the teacher registers for national board
21 for professional teaching standards certification
22 between January 1, 1999, and January 1, ~~2005~~ 2006, and
23 achieves certification within three years from the
24 date of initial score notification, an annual award in
25 the amount of two thousand five hundred dollars upon
26 achieving certification by the national board of
27 professional teaching standards.

28 Sec. 21. Section 257B.1B, subsection 1, Code 2005,
29 is amended to read as follows:

30 1. ~~Fifty five~~ For the fiscal year beginning July
31 1, 2004, and each succeeding fiscal year, ~~fifty-five~~
32 percent of the moneys deposited in the fund to the
33 department of education for allocation to the Iowa
34 reading recovery ~~center~~ council to assist school
35 districts in developing reading recovery and literacy
36 programs. The Iowa reading recovery council shall use
37 the area education agency unified budget as its fiscal
38 agent for grant moneys and for other moneys
39 administered by the council.

40 Sec. 22. Section 260C.2, Code 2005, is amended by
41 adding the following new subsection:

42 NEW SUBSECTION. 1A. "Department" means the
43 department of education.

44 Sec. 23. NEW SECTION. 260C.18C STATE AID
45 DISTRIBUTION FORMULA.

46 1. PURPOSE. A distribution plan for general state
47 financial aid to Iowa's community colleges is
48 established for the fiscal year commencing July 1,
49 2005, and succeeding fiscal years. Funds appropriated
50 by the general assembly to the department for general

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1 financial aid to community colleges shall be allocated
2 to each community college in the manner provided under
3 this section.

4 2. DEFINITIONS. As used in this section, unless
5 the context otherwise requires:

6 a. "Base funding allocation" means the amount of
7 general state financial aid all community colleges
8 received in the base year.

9 b. "Base year" means the fiscal year immediately
10 preceding the budget year.

- 11 c. "Below-average support per FTEE" for a
12 community college means the state-average combined
13 support per FTEE minus the combined support per FTEE
14 for the community college if the community college's
15 combined support per FTEE is less than the state-
16 average combined support per FTEE.
- 17 d. "Budget year" means the fiscal year for which
18 moneys are appropriated by the general assembly.
- 19 e. "Combined support" for a community college
20 means the total amount of moneys the community college
21 received in general state financial aid in the base
22 year plus the community college's general fund
23 property tax revenue, including utility replacement,
24 for the base year.
- 25 f. "Combined support per FTEE" for a community
26 college means the community college's combined support
27 divided by its three-year rolling average full-time
28 equivalent enrollment for the three years prior to the
29 base year.
- 30 g. "Contact hour" for a noncredit course equals
31 fifty minutes of contact between an instructor and
32 students in a scheduled course offering for which
33 students are registered.
- 34 h. "Credit hour", for purposes of community
35 college funding distribution, shall be as defined by
36 the department by rule.
- 37 i. "Eligible credit courses" means all credit
38 courses that are eligible for general state financial
39 aid which are part of a department-approved program of
40 study. The department shall review and provide a
41 determination should a question of eligibility occur.
- 42 j. "Eligible growth support" for a community
43 college is the community college's below-average
44 support per FTEE multiplied times its three-year
45 rolling average full-time equivalent enrollment.
- 46 k. "Eligible noncredit courses" means all
47 noncredit courses eligible for general state financial
48 aid which fall under one of the eligible categories
49 for noncredit courses as defined by rule of the
50 department. The department shall review and provide a

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- 1 determination should a question of eligibility occur.
- 2 l. "Eligible student" means a student enrolled in
3 eligible credit or eligible noncredit courses. The
4 department shall review and provide a determination
5 should a question of eligibility occur.
- 6 m. "Fiscal year" means the period of twelve months
7 beginning on July 1 and ending on June 30.
- 8 n. One "full-time equivalent enrollment (FTEE)"
9 equals twenty-four credit hours for credit courses or

10 six hundred contact hours for noncredit courses
11 generated by all eligible students enrolled in
12 eligible courses.

13 o. "General fund property tax revenue" means the
14 amount of moneys a community college raised or could
15 have raised from a property tax of twenty and one-
16 fourth cents per thousand dollars of assessed
17 valuation on all taxable property in its merged area
18 collected for the base year.

19 p. "General state financial aid" means the amount
20 of general state financial aid the community college
21 received from the general fund.

22 q. "Inflation adjustment amount" means the
23 inflation rate minus two percentage points multiplied
24 times the base funding allocation. The inflation
25 adjustment amount shall not be less than zero.

26 r. "Inflation rate" means the average of the
27 preceding twelve-month percentage change, which shall
28 be computed on a monthly basis, in the consumer price
29 index for all urban consumers, not seasonally
30 adjusted, published by the United States department of
31 labor, bureau of labor statistics, calculated for the
32 calendar year ending six months after the beginning of
33 the base year.

34 s. "State-average combined support per FTEE" means
35 the average of the combined support per FTEE for all
36 community colleges in the state in the base year.

37 t. "Three-year rolling average full-time
38 equivalent enrollment" means the average of the
39 audited full-time equivalent enrollment for a
40 community college over the three fiscal years prior to
41 the base year as determined by the department.

42 u. "Total growth support amount" means the sum of
43 the eligible growth support for all the community
44 colleges.

45 3. DISTRIBUTION FORMULA. Moneys appropriated by
46 the general assembly from the general fund to the
47 department for community college purposes for general
48 state financial aid for a budget year shall be
49 allocated to each community college by the department
50 as follows:

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1 a. If the inflation rate is equal to two percent
2 or less:
3 (1) BASE FUNDING ALLOCATION. The moneys shall
4 first be allocated in the amount of general state
5 financial aid each community college received in the
6 base year. If the appropriation is less than the
7 total of the amount of general state financial aid
8 each community college received in the base year, the

9 moneys shall be allocated in the same proportion as
10 the allocation of general state financial aid each
11 community college received in the base year.
12 (2) MARGINAL COST ADJUSTMENT. After the base
13 funding has been allocated, each community college
14 shall be allocated up to an additional two percent of
15 its base funding allocation. The community college's
16 allocation shall be in the same proportion as the
17 allocation of general state financial aid each
18 community college received in the base year.
19 (3) THREE-YEAR ROLLING AVERAGE OF FULL-TIME
20 EQUIVALENT ENROLLMENT. If the increase in the total
21 state general aid exceeds two percent over the base
22 funding allocation, an amount up to an additional one
23 percent of the base funding allocation shall be
24 distributed based upon each community college's
25 proportional share of the three-year rolling average
26 full-time equivalent enrollments for all community
27 colleges.
28 (4) EXTRAORDINARY GROWTH ADJUSTMENT. If the
29 increase in total state general aid exceeds three
30 percent over the base funding allocation, an amount up
31 to an additional one percent of the base funding
32 allocation shall be distributed as follows:
33 (a) Forty percent of the moneys shall be allocated
34 based upon each community college's proportional share
35 of the three-year rolling average full-time equivalent
36 enrollments for all community colleges.
37 (b) Sixty percent of the moneys shall be allocated
38 to community colleges that have eligible growth
39 support. The allocation shall be based upon the
40 proportional share that each community college's
41 eligible growth support bears to the total growth
42 support amount. Once the moneys allocated under this
43 subparagraph subdivision equal the total growth
44 support amount, the remaining moneys allocated under
45 this subparagraph shall be allocated as provided in
46 subparagraph subdivision (a).
47 (5) ADDITIONAL THREE-YEAR ROLLING AVERAGE FTTEE
48 ALLOCATION. If the increase in total state general
49 aid exceeds four percent over the base funding
50 allocation, all remaining moneys shall be distributed

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1 based upon each college's proportional share of the
2 three-year rolling average full-time equivalent
3 enrollments for all community colleges.
4 b. If the inflation rate is greater than two
5 percent but less than four percent:
6 (1) BASE FUNDING ALLOCATION. The moneys shall
7 first be allocated in the amount of general state

8 financial aid each community college received in the
9 base year. If the appropriation is less than the
10 total of the amount of general state financial aid
11 each community college received in the base year, the
12 moneys shall be allocated in the same proportion as
13 the allocation of general state financial aid each
14 community college received in the base year.

15 (2) MARGINAL COST ADJUSTMENT. After the base
16 funding has been allocated, each community college
17 shall be allocated up to an additional two percent of
18 its base funding allocation. The community college's
19 allocation shall be in the same proportion as the
20 allocation of general state financial aid each
21 community college received in the base year.

22 (3) THREE-YEAR ROLLING AVERAGE OF FULL-TIME
23 EQUIVALENT ENROLLMENT. If the increase in the total
24 state general aid exceeds two percent over the base
25 funding allocation, an amount up to an additional one
26 percent of the base funding allocation shall be
27 distributed based upon each community college's
28 proportional share of the three-year rolling average
29 full-time equivalent enrollments for all community
30 colleges.

31 (4) EXTRAORDINARY GROWTH ADJUSTMENT. If the
32 increase in total state general aid exceeds three
33 percent over the base funding allocation, an amount up
34 to an additional one percent of the base funding
35 allocation shall be based as follows:

36 (a) Forty percent of the moneys shall be allocated
37 based upon each community college's proportional share
38 of the three-year rolling average full-time equivalent
39 enrollments for all community colleges.

40 (b) Sixty percent of the moneys shall be allocated
41 to community colleges that have eligible growth
42 support. The allocation shall be based upon the
43 proportional share that each community college's
44 eligible growth support bears to the total growth
45 support amount. Once the moneys allocated under this
46 subparagraph subdivision equal the total growth
47 support amount, the remaining moneys allocated under
48 this subparagraph shall be allocated as provided in
49 subparagraph subdivision (a).

50 (5) INFLATION ADJUSTMENT. If the increase in

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1 total state general aid exceeds four percent over the
2 base funding allocation, an amount up to the inflation
3 adjustment amount shall be distributed to each
4 community college in the same proportion as the
5 allocation of general state financial aid each
6 community college received in the base year.

7 (6) ADDITIONAL THREE-YEAR ROLLING AVERAGE FTEE
8 ALLOCATION. If there are remaining moneys to be
9 distributed under this paragraph after distributing
10 moneys under subparagraph (5), all remaining moneys
11 shall be distributed based upon each community
12 college's proportional share of the three-year rolling
13 average full-time equivalent enrollments for all
14 community colleges.

15 c. If the inflation rate equals or exceeds four
16 percent:

17 (1) BASE FUNDING ALLOCATION. The moneys shall
18 first be allocated in the amount of general state
19 financial aid each community college received in the
20 base year. If the appropriation is less than the
21 total of the amount of general state financial aid
22 each community college received in the base year, the
23 moneys shall be allocated in the same proportion as
24 the allocation of general state financial aid each
25 community college received in the base year.

26 (2) MARGINAL COST ADJUSTMENT. After the base
27 funding has been allocated, each community college
28 shall be allocated up to an additional two percent of
29 its base funding allocation. The community college's
30 allocation shall be in the same proportion as the
31 allocation of general state financial aid each
32 community college received in the base year.

33 (3) THREE-YEAR ROLLING AVERAGE OF FULL-TIME
34 EQUIVALENT ENROLLMENT. If the increase in the total
35 state general aid exceeds two percent over the base
36 funding allocation, an amount up to an additional one
37 percent of the base funding allocation shall be
38 distributed based upon each community college's
39 proportional share of the three-year rolling average
40 full-time equivalent enrollments for all community
41 colleges.

42 (4) INFLATION ADJUSTMENT. If the increase in
43 total state general aid exceeds three percent over the
44 base funding allocation, an amount up to the inflation
45 adjustment amount shall be distributed to each
46 community college in the same proportion as the
47 allocation of general state financial aid each
48 community college received in the base year.

49 (5) EXTRAORDINARY GROWTH ADJUSTMENT. If there are
50 remaining moneys to be distributed under this

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1 paragraph after distributing moneys under subparagraph
2 (4), an amount up to an additional one percent of the
3 base funding allocation shall be based as follows:
4 (a) Forty percent of the moneys shall be allocated
5 based upon each community college's proportional share

6 of the three-year rolling average full-time equivalent
7 enrollments for all community colleges.

8 (b) Sixty percent of the moneys shall be allocated
9 to community colleges that have eligible growth
10 support. The allocation shall be based upon the
11 proportional share that each community college's
12 eligible growth support bears to the total growth
13 support amount. Once the moneys allocated under this
14 subparagraph subdivision equals the total growth
15 support amount, the remaining moneys allocated under
16 this subparagraph shall be allocated as provided in
17 subparagraph subdivision (a).

18 (6) ADDITIONAL THREE-YEAR ROLLING AVERAGE FTEE
19 ALLOCATION. If there are remaining moneys to be
20 distributed under this paragraph after distributing
21 moneys under subparagraph (5), all remaining moneys
22 shall be distributed based upon each community
23 college's proportional share of the three-year rolling
24 average full-time equivalent enrollments for all
25 community colleges.

26 4. INFORMATION SUPPLIED BY COLLEGES AND ADOPTION
27 OF RULES.

28 a. Each community college shall provide
29 information in the manner and form as determined by
30 the department. If a community college fails to
31 provide the information as requested, the department
32 shall estimate the full-time equivalent enrollment of
33 that college.

34 b. Each community college shall complete and
35 submit an annual student enrollment audit to the
36 department. Adjustments to community college state
37 general aid allocations shall be made based on student
38 enrollment audit outcomes.

39 c. The department shall adopt rules under chapter
40 17A as necessary for the allocation of general state
41 financial aid.

42 Sec. 24. Section 261.9, subsection 1, paragraph b,
43 Code 2005, is amended to read as follows:

44 b. Is accredited by the north central association
45 of colleges and secondary schools accrediting agency
46 based on their requirements, ~~is exempt from taxation~~
47 ~~under section 501(c)(3) of the Internal Revenue Code,~~
48 and annually provides a matching aggregate amount of
49 institutional financial aid equal to at least seventy-
50 five percent of the amount received in a fiscal year

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1 by the institution's students for Iowa tuition grant
2 assistance under this chapter. Commencing with the
3 fiscal year beginning July 1, ~~2005~~ 2006, the matching
4 aggregate amount of institutional financial aid shall

5 increase by the percentage of increase each fiscal
 6 year of funds appropriated for Iowa tuition grants
 7 under section 261.25, subsection 1, to a maximum match
 8 of one hundred percent. The institution shall file
 9 annual reports with the commission prior to receipt of
 10 tuition grant moneys under this chapter. ~~An~~
 11 ~~institution whose income is not exempt from taxation~~
 12 ~~under section 501(c) of the Internal Revenue Code and~~
 13 ~~whose students were eligible to receive Iowa tuition~~
 14 ~~grant money in the fiscal year beginning July 1, 2003,~~
 15 ~~shall meet the match requirements of this paragraph no~~
 16 ~~later than June 30, 2005.~~

17 Sec. 25. Section 261.25, subsection 1, Code 2005,
 18 is amended to read as follows:

19 1. There is appropriated from the general fund of
 20 the state to the commission for each fiscal year the
 21 sum of ~~forty-seven~~ forty-nine million ~~one six~~ hundred
 22 ~~fifty-seven~~ seventy-three thousand five hundred
 23 ~~fifteen~~ seventy-five dollars for tuition grants. ~~From~~
 24 ~~the funds appropriated in this subsection, not more~~
 25 ~~than three million four hundred thousand dollars may~~
 26 ~~be distributed to private institutions whose income is~~
 27 ~~not exempt from taxation under section 501(c) of the~~
 28 ~~Internal Revenue Code and whose students were eligible~~
 29 ~~to receive Iowa tuition grant moneys in the fiscal~~
 30 ~~year beginning July 1, 2003.~~

31 Sec. 26. NEW SECTION. 272.29 ANNUAL
 32 ADMINISTRATIVE RULES REVIEW.

33 The executive director shall annually review the
 34 administrative rules adopted pursuant to this chapter
 35 and related state laws. The executive director shall
 36 annually submit the executive director's findings and
 37 recommendations in a report to the board and the
 38 chairpersons and ranking members of the senate and
 39 house standing committees on education and the joint
 40 appropriations subcommittee on education by January
 41 15.

42 Sec. 27. Section 284.13, subsection 1, paragraphs
 43 b and c, Code 2005, are amended to read as follows:

44 b. For the fiscal year beginning July 1, ~~2004~~
 45 2005, and ending June 30, ~~2005~~ 2006, to the department
 46 of education, the amount of ~~one two~~ million ~~one~~
 47 ~~hundred thousand~~ dollars for the issuance of national
 48 board certification awards in accordance with section
 49 256.44.

50 c. For the fiscal year beginning July 1, ~~2004~~

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1 2005, and succeeding fiscal years, an amount up to
 2 ~~three four~~ million ~~five two~~ hundred thousand dollars
 3 for first-year and second-year beginning teachers, to

4 the department of education for distribution to school
5 districts for purposes of the beginning teacher
6 mentoring and induction programs. A school district
7 shall receive one thousand three hundred dollars per
8 beginning teacher participating in the program. If
9 the funds appropriated for the program are
10 insufficient to pay mentors and school districts as
11 provided in this paragraph, the department shall
12 prorate the amount distributed to school districts
13 based upon the amount appropriated. Moneys received
14 by a school district pursuant to this paragraph shall
15 be expended to provide each mentor with an award of
16 five hundred dollars per semester, at a minimum, for
17 participation in the school district's beginning
18 teacher mentoring and induction program; to implement
19 the plan; and to pay any applicable costs of the
20 employer's share of contributions to federal social
21 security and the Iowa public employees' retirement
22 system or a pension and annuity retirement system
23 established under chapter 294, for such amounts paid
24 by the district.

25 Sec. 28. Section 284.13, subsection 1, paragraph
26 e, Code 2005, is amended to read as follows:
27 e. For the fiscal year beginning July 1, ~~2004~~
28 2005, and ending June 30, ~~2005~~ 2006, up to ~~two~~ four
29 hundred ~~fifty~~ eighty-five thousand dollars to the
30 department of education for purposes of implementing
31 the career development program requirements of section
32 284.6, ~~and~~ the review panel requirements of section
33 284.9, ~~and the evaluator training program in section~~
34 284.10. From the moneys allocated to the department
35 pursuant to this paragraph, not less than ~~seventy-~~
36 ~~five~~ ten thousand dollars shall be ~~used to administer~~
37 ~~the ambassador to education position in accordance~~
38 ~~with section 256.45 distributed to the board of~~
39 educational examiners for purposes of convening an
40 educator licensing review working group. From the
41 moneys allocated to the department pursuant to this
42 paragraph, not less than eighty-five thousand dollars
43 shall be used to administer the ambassador to
44 education position in accordance with section 256.45.
45 A portion of the funds allocated to the department for
46 purposes of this paragraph may be used by the
47 department for administrative purposes.
48 Notwithstanding section 8.33, moneys allocated for
49 purposes of this paragraph prior to July 1, ~~2004~~ 2005,
50 which remain unobligated or unexpended at the end of

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1 the fiscal year for which the moneys were
2 appropriated, shall remain available for expenditure

3 for the purposes for which they were allocated, for
4 the fiscal year beginning July 1, ~~2004~~ 2005, and
5 ending June 30, ~~2005~~ 2006.
6 Sec. 29. Section 284.13, subsection 1, Code 2005,
7 is amended by adding the following new paragraphs:
8 NEW PARAGRAPH. dd. For the fiscal year beginning
9 July 1, 2005, and ending June 30, 2006, up to ten
10 million dollars to the department of education for use
11 by school districts to add one additional teacher
12 contract day to the school calendar. Prior to
13 receiving funds under this paragraph, a school
14 district shall submit for approval to the department
15 the school district's professional development plan
16 for use of the moneys. The department shall submit a
17 report on school district use of the moneys
18 distributed pursuant to this paragraph to the
19 chairpersons and ranking members of the house and
20 senate standing committees on education, the joint
21 appropriations subcommittee on education, and the
22 legislative services agency not later than January 15,
23 2006. The department shall distribute funds allocated
24 for purposes of this paragraph based on each school
25 district's teacher per diem. If the funds allocated
26 are insufficient to pay the per diem for one
27 additional teacher contract day, the department shall
28 prorate the funds to the school districts and
29 notwithstanding section 284.4, subsection 1, paragraph
30 "c", the department shall prorate the number of
31 additional teacher contract days a school district
32 shall be required to provide consistent with section
33 284.4, subsection 1, paragraph "c". If the department
34 receives funds for purposes of this paragraph in
35 excess of the per diem for one additional teacher
36 contract day, the funds shall be distributed as
37 provided under paragraph "f".
38 NEW PARAGRAPH. ee. For the fiscal year beginning
39 July 1, 2005, and succeeding fiscal years, up to one
40 million dollars to the department of education for
41 purposes of the value-added assessment system
42 established pursuant to section 256.24. The
43 department shall allocate the moneys to school
44 districts based upon the percentage of the budget
45 enrollment of each school district for the fiscal year
46 beginning July 1, 2004, compared to the budget
47 enrollment of all school districts in the state for
48 the fiscal year beginning July 1, 2004. The
49 department shall distribute the moneys to a school
50 district upon demonstration by the school district to

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1 the department that the school district agrees to

2 participate in a qualified value-added assessment
3 system.

4 Sec. 30. Section 284.13, subsection 1, paragraphs
5 a, d, and i, Code 2005, are amended by striking the
6 paragraphs.

7 Sec. 31. Section 298.3, Code 2005, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 13. EXPENDITURES FOR WIND
10 GENERATORS. If a school district's anticipated energy
11 savings is projected to pay for construction of a wind
12 generator, the school district may use revenues
13 received under this section to pay off the
14 construction loan.

15 Sec. 32. Section 301.1, subsection 2, Code 2005,
16 is amended to read as follows:

17 2. Textbooks adopted and purchased by a school
18 district shall, to the extent funds are appropriated
19 by the general assembly, be made available to pupils
20 attending accredited nonpublic schools upon request of
21 the pupil or the pupil's parent under comparable terms
22 as made available to pupils attending public schools.

23 If the general assembly appropriates moneys for
24 purposes of making textbooks available to accredited
25 nonpublic school pupils, the department of education
26 shall ascertain the amount available to a school
27 district for the purchase of nonsectarian,
28 nonreligious textbooks for pupils attending accredited
29 nonpublic schools. The amount shall be in the
30 proportion that the basic enrollment of a
31 participating accredited nonpublic school bears to the
32 sum of the basic enrollments of all participating
33 accredited nonpublic schools in the state for the
34 budget year. For purposes of this section, a
35 "participating accredited nonpublic school" means an
36 accredited nonpublic school that submits a written
37 request on behalf of the school's pupils in accordance
38 with this subsection, and that certifies its actual
39 enrollment to the department of education by October
40 1, annually. By October 15, annually, the department
41 of education shall certify to the director of the
42 department of administrative services the annual
43 amount to be paid to each school district, and the
44 director of the department of administrative services
45 shall draw warrants payable to school districts in
46 accordance with this subsection. For purposes of this
47 subsection, an accredited nonpublic school's
48 enrollment count shall include only students who are
49 residents of Iowa. The costs of providing textbooks
50 to accredited nonpublic school pupils as provided in

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1 this subsection shall not be included in the
2 computation of district cost under chapter 257, but
3 shall be shown in the budget as an expense from
4 miscellaneous income. Textbook expenditures made in
5 accordance with this subsection shall be kept on file
6 in the school district. Textbooks made available by a
7 school district to pupils attending accredited
8 nonpublic schools in accordance with this subsection
9 are not to be the property of the school district.

10 Sec. 33. Section 423E.4, subsection 3, paragraph

11 a, Code 2005, is amended to read as follows:

12 a. The director of revenue by June 1 preceding
13 each fiscal year shall compute the guaranteed school
14 infrastructure amount for each school district, each
15 school district's sales tax capacity per student for
16 each county, the statewide tax revenues per student,
17 and the supplemental school infrastructure amount for
18 the coming fiscal year.

19 Sec. 34. Section 423E.4, subsection 3, paragraph

20 b, subparagraph (3), Code 2005, is amended by striking
21 the subparagraph and inserting in lieu thereof the
22 following:

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

32 Sec. 35. EFFECTIVE DATES.

33 1. The section of this Act that amends section
34 257B.1B, being deemed of immediate importance, takes
35 effect upon enactment.

36 2. The section of this Act that amends section
37 423E.4, being deemed of immediate importance, takes
38 effect upon enactment."

39 2. Title page, by striking line 5 and inserting
40 the following: "regents, and providing effective
41 dates."

42 3. By renumbering as necessary.

Kressig of Black Hawk offered the following amendment [H-1641](#),
to the Senate amendment [H-1635](#), filed by Kressig,
Wessel-Kroeschell of Story, Heddens of Story, Mascher of Johnson,
Jacoby of Johnson, Lensing of Johnson, Shoultz of Black Hawk, Berry

of Black Hawk and D. Olson of Boone, from the floor and moved its adoption:

[H-1641](#)

1 Amend the Senate amendment, [H-1635](#), to House File
 2 816, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 13, line 40, by striking the figure
 5 "21,219,288" and inserting the following:
 6 "40,000,000".

The House stood at ease at 3:12 p.m., until the fall of the gavel.

The House resumed session at 3:40 p.m., Speaker Rants in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-eight members present, thirty-two absent.

Paulsen of Linn in the chair at 4:05 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Maddox of Polk on request of Gipp of Winneshiek.

QUORUM CALL

A record roll call was requested by Murphy of Dubuque and T. Taylor of Linn to determine if a quorum was present.

Rule 75 was invoked.

There were 97 members present:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon

Foege	Ford	Freeman	Frevert
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Paulsen, Presiding			

Absent, 3:

Gaskill	Maddox	Wilderdyke
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Speaker Rants in the chair at 4:48 p.m.

CALL OF THE HOUSE

Pursuant to Rule 78, the following members respectfully request a Call of the House on [House File 816](#) and all motions and amendments filed thereto.

MURPHY of Dubuque
 BUKTA of Clinton
 HEDDENS Story
 MILLER of Webster
 REASONER of Union
 WHITAKER of Van Buren

A roll call was taken by Speaker Rants.

There were 99 members present:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar

Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

Absent, 1:

Gaskill

Speaker Rants declared a quorum present.

TIME CERTAIN

Gipp of Winneshiek moved that debate be closed and the question be put on the Senate amendment [H-1635](#) to [House File 816](#) to a time certain of 9:15 p.m., Tuesday, May 10, 2005.

Roll call was requested by Gipp of Winneshiek and S. Olson of Clinton.

On the question "Shall the Senate amendment [H-1635](#) be debated at the time certain of 9:15 p.m., Tuesday, May 10, 2005?"

The ayes were, 52:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow

Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Whitead	Wilderdyke	Mr. Speaker Rants

The nays were, 47:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Winckler	Wise	Zirkelbach	

Absent or not voting, 1:

Gaskill

The motion prevailed.

Gipp of Winneshiek moved to lift the Call of the House on [House File 816](#).

A non-record roll call was requested.

The ayes were 53, nays 16.

The motion prevailed.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kurtenbach of Story, on request of Gipp of Winneshiek.

The House stood at ease at 5:07 p.m., until the fall of the gavel.

The House resumed session at 6:14 p.m., Speaker Rants in the chair.

The House resumed consideration of [House File 816](#), and amendment [H-1641](#).

Kressig of Black Hawk asked and received unanimous consent to withdraw amendment [H-1641](#) to the Senate amendment [H-1635](#) filed by him from the floor.

Chambers of O'Brien asked and received unanimous consent to withdraw amendment [H-1645](#) to the Senate amendment [H-1635](#) filed by him from the floor, placing out of order the following amendments to the Senate amendment [H-1635](#):

Amendment [H-1650](#) filed by Wendt of Woodbury from the floor.

Amendment [H-1651](#) filed by Wendt of Woodbury and Mascher of Johnson from the floor.

Amendment [H-1652](#) filed by Wendt of Woodbury, Jochum of Dubuque and Hogg of Linn from the floor.

Amendment [H-1653](#) filed by Wendt of Woodbury from the floor.

Amendment [H-1654](#) filed by Winckler of Scott and Mascher of Johnson from the floor.

Amendment [H-1655](#) filed by Wendt of Woodbury from the floor.

Amendment [H-1656](#) filed by Wendt of Woodbury from the floor.

Amendment [H-1657](#) filed by Thomas of Clayton from the floor.

Amendment [H-1658](#) filed by Zirkelbach of Jones from the floor.

Amendment [H-1659](#) filed by Heddens of Story, D. Olson of Boone and Bukta of Clinton from the floor.

Amendment [H-1660](#) filed by Kressig of Black Hawk, Heddens of Story, Lensing of Johnson, Shultz of Black Hawk, Wessel-Kroeschell of Story, Berry of Black Hawk, Jacoby of Johnson and D. Olson of Boone from the floor.

Amendment [H-1661](#) filed by Mascher of Johnson from the floor.

Amendment [H-1662](#) filed by Berry of Black Hawk from the floor.

Amendment [H-1663](#) filed by Wendt of Woodbury from the floor.

Amendment [H-1664](#) filed by Winckler of Scott from the floor.

Amendment [H-1665](#) filed by Wendt of Woodbury from the floor.

Amendment [H-1666](#) filed by Frevert of Palo Alto from the floor.

Amendment [H-1667](#) filed by Foege of Linn from the floor.

Amendment [H-1668](#) filed by Ford of Polk from the floor.

Amendment [H-1669](#) filed by Tymeson of Madison and Huser of Polk from the floor.

Amendment [H-1672](#) filed by Oldson of Polk from the floor.

Amendment [H-1673](#) filed by Heddens of Story from the floor.

Amendment [H-1674](#) filed by Heddens of Story, Wendt of Woodbury and Foege of Linn from the floor.

Amendment [H-1675](#) filed by Pettengill of Benton from the floor.

Amendment [H-1676](#) filed by Pettengill of Benton from the floor.

Amendment [H-1677](#) filed by Thomas of Clayton from the floor.

Winckler of Scott asked and received unanimous consent to withdraw amendment [H-1671](#) filed by her from the floor.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk, until her return, on request of Gipp of Winneshiek; Foege of Linn for the remainder of the day, on request of Wise of Lee.

Struyk of Pottawattamie in the chair at 6:55 p.m.

Speaker Rants in the chair at 7:13 p.m.

Speaker pro tempore Carroll in the chair at 7:32 p.m.

Speaker Rants in the chair at 8:00 p.m.

Tymeson of Madison in the chair at 8:25 p.m.

Speaker Rants in the chair at 8:44 p.m.

Chambers of O'Brien moved that the House concur in the Senate amendment [H-1635](#).

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall the House concur in the Senate amendment [H-1635](#)?" ([H.F. 816](#))

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

Absent or not voting, 1:

Foegen

The motion lost and the House refused to concur in the Senate amendment [H-1635](#).

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 816](#) be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 4, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 810](#), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 9:17 p.m., until the fall of the gavel.

The House resumed session at 9:33 p.m., Speaker Rants in the chair.

SENATE AMENDMENT CONSIDERED

Sands of Louisa called up for consideration [House File 810](#), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1670](#):

[H-1670](#)

1 Amend [House File 810](#), as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 11 the
4 following:
5 "In addition to the amount appropriated in this
6 subsection, the department is authorized to expend an
7 additional amount not to exceed \$359,560 for the
8 purposes designated in this subsection. Such amount
9 shall be expended from general fund moneys deposited
10 in revolving funds under the control of the department
11 that were appropriated to the department pursuant to
12 2004 Iowa Acts, chapter 1175, section 2. The
13 department shall develop a plan for repayment to the
14 general fund of the total amount appropriated to the
15 department for start-up funding for revolving funds
16 under the control of the department pursuant to 2004
17 Iowa Acts, chapter 1175, section 2. Any amount
18 expended pursuant to this paragraph shall be
19 considered a repayment amount to the general fund and
20 shall reduce the total amount to be repaid to the
21 general fund under the plan developed by the
22 department. The department shall submit the plan for
23 repayment to the department of management for
24 approval. Upon review and approval by the department

25 of management, the department of administrative
26 services shall submit the plan to the general assembly
27 for its review."

28 2. Page 2, by striking lines 13 through 15 and
29 inserting the following: "consistent with the
30 requirements of chapter 8A."

31 3. Page 4, by striking lines 16 and 17, and
32 inserting the following:

33 " \$ 6,793,223
34FTEs 71.00"

35 4. Page 5, by striking lines 17 and 18, and
36 inserting the following:

37 " \$ 836,921
38 FTEs 12.75

39 Of the appropriation made and FTEs authorized in
40 this subsection, \$54,250 and 0.75 FTEs are contingent
41 upon the enactment of 2005 Iowa Acts, Senate File
42 405."

43 5. Page 7, by striking line 1, and inserting the
44 following:

45 " \$ 1,729,857"

46 6. Page 10, by striking line 14 and inserting the
47 following:

48 " \$ 1,564,755"

49 7. Page 10, by striking lines 32 and 33 and
50 inserting the following:

Page 2

1 " \$ 2,356,836
2 FTEs 113.25

3 Of the funds appropriated in this subsection,
4 \$80,000 and 1.00 FTE shall be used for the operation,
5 expansion, and maintenance of the direct care worker
6 registry."

7 8. Page 15, by inserting after line 14 the
8 following:

9 "3. BIENNIAL REPORTING.
10 For administering the biennial reporting
11 requirements for limited liability companies as
12 required in section 490A.131, if enacted by 2005 Iowa
13 Acts, [House File 859](#):

14 \$ 275,000"

15 9. Page 17, by striking lines 17 through 34.

16 10. Page 18, by inserting after line 15 the
17 following:

18 "Sec. __. 2004 Iowa Acts, chapter 1175, section
19 12, subsection 4, is amended to read as follows:

20 4. NATIONAL GOVERNORS ASSOCIATION

21 For payment of Iowa's membership in the national
22 governors association:

23 \$ ~~64,303~~

24 364,393

25 Of the funds appropriated in this subsection,
 26 \$300,000 is allocated for security-related costs and
 27 other expenses associated with the national governors
 28 association national meeting. Notwithstanding section
 29 8.33, the moneys allocated for the meeting that remain
 30 unencumbered or unobligated at the close of the fiscal
 31 year shall not revert but shall remain available for
 32 expenditure for the purposes designated until the
 33 close of the succeeding fiscal year."

34 11. Page 18, by inserting after line 34, the
 35 following:

36 "Sec. NEW SECTION. 8.7 REPORTING OF GIFTS
 37 RECEIVED.

38 All gifts, bequests, and grants received by a
 39 department or accepted by the governor on behalf of
 40 the state shall be reported to the Iowa ethics and
 41 campaign disclosure board and the government oversight
 42 committees. The ethics and campaign disclosure board
 43 shall, by January 31 of each year, submit to the
 44 fiscal services division of the legislative services
 45 agency a written report listing all gifts, bequests,
 46 and grants received during the previous calendar year
 47 with a value over one thousand dollars and the purpose
 48 for each such gift, bequest, or grant. The submission
 49 shall also include a listing of all gifts, bequests,
 50 and grants received by a department from a person if

Page 3

1 the cumulative value of all gifts, bequests, and
 2 grants received by the department from the person
 3 during the previous calendar year exceeds one thousand
 4 dollars, and the ethics and campaign disclosure board
 5 shall include, if available, the purpose for each such
 6 gift, bequest, or grant. However, reports on gifts,
 7 grants, or bequests filed by the state board of
 8 regents pursuant to section 8.44 shall be deemed
 9 sufficient to comply with the requirements of this
 10 section."

11 12. By renumbering, relettering, or redesignating
 12 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1670](#).

Sands of Louisa moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 810](#))

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, 2:

Fallon Paulsen

Absent or not voting, 1:

Foege

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE REFUSE TO CONCUR

Greiner of Washington called up for consideration [House File 834](#), a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations, amended by the

Senate, and moved that the House concur in the following Senate amendment [H-1626](#):

[H-1626](#)

- 1 Amend [House File 834](#), as passed by the House, as
- 2 follows:
- 3 1. Page 2, line 14, by inserting after the word
- 4 "land." the following: "In a county with a population
- 5 of more than one hundred fifty thousand, septage shall
- 6 not be applied to land and shall be disposed of at a
- 7 wastewater treatment facility."

The motion lost and the House refused to concur in the Senate amendment [H-1626](#).

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 834](#) be immediately messaged to the Senate.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing bills the following corrections were made:

[House File 859](#)

1. Page 122, line 35: After the word "thereof," the word "of" should be deleted.

MARGARET A. THOMSON
Chief Clerk of the House

MOTION TO RECONSIDER
([House File 810](#))

I move to reconsider the vote by which [House File 810](#) passed the House on May 10, 2005.

GIPP of Winneshiek

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on May 10, 2005. Had I been present, I would have voted "aye" on [House File 619](#).

FORD of Polk

I was necessarily absent from the House chamber on May 10, 2005. Had I been present, I would have voted "aye" on [House File 619](#).

GASKILL of Wapello

I was necessarily absent from the House chamber on May 10, 2005. Had I been present, I would have voted "nay" on [House File 828](#).

MCCARTHY of Polk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 10th day of May, 2005: House Files 589, 610, 753, 774, 786, 801, 836, 837, 857 and 870.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 5, 2005, he approved and transmitted to the Secretary of State the following bills:

[House File 374](#), an Act relating to veterans by providing for the establishment of a department of veterans affairs, modifying the definition of veteran for property taxation and certain other purposes, providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, establishing a hepatitis C awareness program for veterans, concerning funds in an account for a state veterans cemetery, concerning

military pay differential, and providing an effective date and retroactive and other applicability dates.

[House File 438](#), an Act relating to assessments associated with soil and water conservation districts, by providing for the deposit of moneys in a fund established by a district's commissioners.

[House File 538](#), an Act revising child welfare requirements involving children with mental health, behavioral or emotional disorders and providing a contingent effective date.

[House File 620](#), an Act relating to the volunteer health care provider program and providing an effective date.

[House File 716](#), an Act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, and the use of the national incident management system for state emergencies.

[Senate File 78](#), an Act relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary annexation petition and including effective and applicability date provisions.

[Senate File 350](#), an Act relating to child support recovery including access to information for the purposes of recovery, provisions relating to failure to withhold income or to pay the amounts withheld, and to the suspension of a child support obligation, the satisfaction of support payments, nullifying related administrative rules and providing penalties.

[Senate File 395](#), an Act relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund.

[Senate File 404](#), an Act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

STATE OF IOWA

Capital Planning Commission Annual Report, pursuant to Chapter 18A.3, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2005\1471 Cindy Eschen, Oelwein – For being named one of the 100 Great Iowa Nurses for 2005.
- 2005\1472 The Family of Elsie Earnest – That Elsie Earnest celebrated her 100th birthday on November 25, 2004, and that with her recent passing, the House of Representatives does hereby extend its deepest sympathy.
- 2005\1473 Emma Griner, Ottumwa – For celebrating her 80th birthday.
- 2005\1474 Juanita Jennings, Ottumwa – For celebrating her 80th birthday.
- 2005\1475 Doris McClure, Ottumwa – For celebrating her 80th birthday.
- 2005\1476 Normagene Robertson, Ottumwa – For celebrating her 80th birthday.
- 2005\1477 John Anderson, Ottumwa – For celebrating his 80th birthday.
- 2005\1478 Kenneth Harsch, Ottumwa – For celebrating his 80th birthday.
- 2005\1479 Kenneth Bennett, Ottumwa – For celebrating his 90th birthday.
- 2005\1480 Rees Jones, Ottumwa – For celebrating his 80th birthday.
- 2005\1481 Joseph Richmond, Ottumwa – For celebrating his 80th birthday.
- 2005\1482 Duane Turpen, Ottumwa – For celebrating his 80th birthday.
- 2005\1483 Evelyn Bender, Ottumwa – For celebrating her 90th birthday.
- 2005\1484 Hope Miller, Ottumwa – For celebrating her 80th birthday.
- 2005\1485 Stan Kerr, Ottumwa – For celebrating his 80th birthday.
- 2005\1486 June Grove, Ottumwa – For celebrating her 80th birthday.
- 2005\1487 Doris McDowell, Ottumwa – For celebrating her 90th birthday.
- 2005\1488 Charles Buffington, Ottumwa – For celebrating his 80th birthday.
- 2005\1489 Hilda Brickey, Ottumwa – For celebrating her 80th birthday.

- 2005\1490 Wilma Pittman, Ottumwa – For celebrating her 80th birthday.
- 2005\1491 Lloyd Goff, Ottumwa – For celebrating his 90th birthday.
- 2005\1492 Amy Lassen, Sioux Center – For being recognized as a University of Iowa College Pharmacy student that has been inducted as a member of the Rho Chi Society, the national honor society in pharmacy.
- 2005\1493 Marie Atwood, Sigourney – For celebrating her 85th birthday.
- 2005\1494 Margaret Calvert, Thornburg – For celebrating her 80th birthday.
- 2005\1495 Freda Alwill, Irwin – For celebrating her 94th birthday.
- 2005\1496 Carrie Witt, What Cheer – For celebrating her 90th birthday.
- 2005\1497 Gerald and Barbara Esser, Mason City– For celebrating their 50th wedding anniversary.
- 2005\1498 Donald and Marcella Picken, Mason City – For celebrating their 60th wedding anniversary.
- 2005\1499 Merle Eksman, Mason City – For celebrating his 80th birthday.
- 2005\1500 Odelo and Verna Schlichte, Everly – For celebrating their 50th wedding anniversary.
- 2005\1501 Alanna Nissen, Spirit Lake – For receiving the National Merit Scholarship from Grinnell College.
- 2005\1502 Mary Beth Leistad, Spencer – For being inducted as a member of the Rho Chi Society, the national honor society in pharmacy.
- 2005\1503 Brittiany Block, Sibley – For receiving the Jeannine Janssen Memorial Scholarship.
- 2005\1504 Lucas Hill, Spirit Lake – For receiving the Eaton Merit Scholarship for 2005.
- 2005\1505 George and Eunice Nebelsick, Lake Park – For celebrating their 60th wedding anniversary.
- 2005\1506 Vernon and Tina Keith, West Liberty – For celebrating their 50th wedding anniversary.
- 2005\1507 Jason Stubbe, George – For being honored at the third annual Governor's Scholar Recognition Program.
- 2005\1508 Nathan Karasch, Rock Rapids – For being honored at the third annual Governor's Scholar Recognition Program.

- 2005\1509 Miranda Vanden Brink, Ireton – For being honored at the third annual Governor's Scholar Recognition Program.
- 2005\1510 Krista Sheldahl, Hull – For being honored at the third annual Governor's Scholar Recognition Program.
- 2005\1511 Karin Remmerde, Rock Valley – For being honored at the third annual Governor's Scholar Recognition Program.
- 2005\1512 Alexander Bonander, Larchwood – For being honored at the third annual Governor's Scholar Recognition Program.
- 2005\1513 Rosemary LaHart, Melrose – For celebrating her 80th birthday.
- 2005\1514 Minh Pham, Iowa City – For being inducted as a member of the Rho Chi Society, the national academic honor society in pharmacy.
- 2005\1515 Minnie "Toots" Fancher, Audubon – For celebrating her 90th birthday.
- 2005\1516 Irma Fisher Ferguson, Jefferson – For celebrating her 100th birthday on May 13, 2005.
- 2005\1517 Milton Kohnert, Calamus – For celebrating his 80th birthday.
- 2005\1518 Louise Truelsen, DeWitt – For celebrating her 80th birthday.

AMENDMENTS FILED

H-1642	H.F. 761	Winckler of Scott
H-1643	H.F. 761	Petersen of Polk
H-1644	H.F. 761	Petersen of Polk
H-1646	H.F. 761	Smith of Marshall
H-1647	H.F. 761	Mascher of Johnson
H-1648	H.F. 761	Smith of Marshall
H-1649	H.F. 761	Shoultz of Black Hawk
		Jochum of Dubuque

On motion by Gipp of Winneshiek the House adjourned at 9:47 p.m., until 10:00 a.m., Wednesday, May 11, 2005.