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**STATE OF IOWA**

**House Journal**

**WEDNESDAY, MAY 3, 2006**

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## **JOURNAL OF THE HOUSE**

One Hundred Fifteenth Calendar Day - Seventy-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, May 3, 2006

The House met pursuant to adjournment at 9:25 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Steve Williams, pastor of Nevada Methodist Church, Nevada. He was the guest of Representative Jim Kurtenbach of Story County.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, May 2, 2006 was approved.

### **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

R. Olson of Polk on request of Bukta of Clinton; Raecker of Polk, until his arrival, on request of Gipp of Winneshiek.

The House stood at ease at 9:29 a.m., until the fall of the gavel.

The House resumed session at 11:35 a.m., Speaker Rants in the chair.

### **RULE 57 SUSPENDED**

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting with the committee on ways and means upon recess.

On motion by Gipp of Winneshiek, the House was recessed at 11:36 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened at 1:22 p.m., Roberts of Carroll in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hunter of Polk and Lensing of Johnson on request of Whitaker of Van Buren; Jones of Mills on request of Gipp of Winneshiek.

## INTRODUCTION OF BILL

[House File 2798](#), by committee on government oversight, a bill for an act relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

Read first time and placed on the **calendar**.

## QUORUM CALL

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

Speaker Rants in the chair at 1:36 p.m.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of [Senate File 2377](#).

## CONSIDERATION OF BILLS

## Regular Calendar

[Senate File 2377](#), a bill for an act relating to animal feeding operations, by providing for standards and evaluations by the

department of natural resources, with report of committee recommending passage, was taken up for consideration.

Dix of Butler offered the following amendment [H-8575](#) filed by Dix et al., and moved its adoption:

[H-8575](#)

- 1 Amend [Senate File 2377](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "Sec. \_\_. Section 459.312, subsection 4A, as
- 6 enacted in 2006 Iowa Acts, [Senate File 2076](#), section
- 7 1, is amended to read as follows:
- 8 4A. The department shall provide for the receipt
- 9 and processing of manure management plans, including
- 10 updates to manure management plans, in an electronic
- 11 format pursuant to section 459.302, not later than
- 12 July 1, ~~2008~~ 2009. After that time, a person required
- 13 to submit a manure management plan under this section
- 14 ~~may~~ shall submit the manure management plan to the
- 15 department and to the county board of supervisors in
- 16 an electronic format."
- 17 2. By renumbering as necessary.

Amendment [H-8575](#) was adopted.

Drake of Pottawattamie offered the following amendment [H-8606](#) filed by him and Mertz of Kossuth and moved its adoption:

[H-8606](#)

- 1 Amend [Senate File 2377](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, line 12, by inserting after the word
- 4 "met." the following: "However, the department may
- 5 send a letter of concern by certified mail to the
- 6 owner of the confinement feeding operation that
- 7 explicitly states the department's concern that a
- 8 condition on the site where the confinement feeding
- 9 operation is or may be constructed, if not addressed,
- 10 may result in the pollution of the waters of the
- 11 state. The department's letter shall provide the
- 12 reasons for its concern and a possible remedy to the
- 13 condition which could be implemented by the owner.
- 14 The letter shall also inform the owner of likely
- 15 administrative or judicial action if the condition
- 16 exists, is not remedied, and results in the pollution

17 of the waters of the state when the confinement  
 18 feeding operation commences operations."  
 19 2. Page, 3, line 5, by inserting after the word  
 20 "met." the following: "However, the department may  
 21 send a letter of concern by certified mail to the  
 22 owner of the open feedlot operation that explicitly  
 23 states the department's concern that a condition on  
 24 the site where the open feedlot operation is or may be  
 25 constructed, if not addressed, may result in the  
 26 pollution of the waters of the state. The  
 27 department's letter shall provide the reasons for its  
 28 concern and a possible remedy to the condition which  
 29 could be implemented by the owner. The letter shall  
 30 also inform the owner of likely administrative or  
 31 judicial action if the condition exists, is not  
 32 remedied, and results in the pollution of the waters  
 33 of the state when the open feedlot operation commences  
 34 operations."  
 35 3. By renumbering as necessary.

Amendment [H-8606](#) was adopted.

Drake of Pottawattamie moved that the bill 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?" ([S.F. 2377](#))

The ayes were, 66:

Alons	Anderson	Baudler	Bell
Boal	Carroll	Chambers	Cohoon
Dandekar	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Kaufmann	Kurtenbach	Lalk
Lukan	Lykam	Maddox	May
McCarthy	Mertz	Miller	Murphy
Olson, S.	Paulsen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Shomshor	Soderberg	Struyk
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Whitead	Wilderdyke
Wise	Mr. Speaker		
	Rants		

The nays were, 25:

Berry	Bukta	Davitt	Frevert
Gaskill	Gipp	Heddens	Jacoby
Jochum	Kressig	Kuhn	Mascher
Oldson	Olson, D.	Petersen	Schickel
Schueller	Shoultz	Smith	Swaim
Taylor, D.	Wendt	Wessel-Kroeschell	Whitaker
Winckler			

Absent or not voting, 9:

Arnold	Fallon	Hunter	Jones
Lensing	Olson, R.	Raecker	Rasmussen
Zirkelbach			

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 [Senate File 2377](#) be immediately messaged to the Senate.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of [Senate File 2398](#).

#### Ways and Means Calendar

[Senate File 2398](#), a bill for an act providing a sales tax exemption for purchases of solar energy equipment, with report of committee recommending passage, was taken up for consideration.

Struyk of Pottawattamie offered the following amendment [H-8641](#) filed by him from the floor and moved its adoption:

#### [H-8641](#)

- 1 Amend [Senate File 2398](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, lines 5 and 6, by striking the words
- 4 "capable of collecting and converting" and inserting
- 5 the following: "that is primarily used to collect and
- 6 convert".
- 7 2. Page 1, line 7, by striking the word
- 8 "transforms" and inserting the following: "is
- 9 primarily used to transform".

A non-record roll call was requested.

The ayes were 68, nays 4.

Amendment [H-8641](#) was adopted.

Hogg of Linn moved that the bill 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?" ([S.F. 2398](#))

The ayes were, 91:

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

The nays were, 3:

Taylor, D.	Taylor, T.	Watts
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Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

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 [Senate File 2398](#) be immediately messaged to the Senate.

#### SENATE AMENDMENT CONSIDERED

Lukan of Dubuque called up for consideration [House File 2332](#), a bill for an act relating to child support, including processing and disbursement of support payments, modification of support based upon permanency orders of the juvenile court, income withholding and information sharing under the child support recovery program and providing for applicability and retroactive applicability, amended by the Senate amendment [H-8607](#) as follows:

#### [H-8607](#)

1 Amend [House File 2332](#), as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 5, by striking the word  
4 "knowingly" and inserting the following: "~~knowingly,~~  
5 with actual knowledge and intent to avoid legal  
6 obligation.".  
7 2. Page 3, by inserting after line 11 the  
8 following:  
9 "Sec.\_\_\_\_. Section 726.5, Code 2005, is amended to  
10 read as follows:  
11 726.5 NONSUPPORT.  
12 A person, who being able to do so, fails or refuses  
13 to provide support for the person's child or ward  
14 under the age of eighteen years for a period longer  
15 than one year or in an amount greater than five  
16 thousand dollars commits nonsupport; provided that no  
17 person shall be held to have violated this section who  
18 fails to support any child or ward under the age of  
19 eighteen who has left the home of the parent or other  
20 person having legal custody of the child or ward  
21 without the consent of that parent or person having  
22 legal custody of the child or ward. Support, for the  
23 purposes of this section, means any support which has  
24 been fixed by court order, or, in the absence of any  
25 such order or decree, the minimal requirements of  
26 food, clothing or shelter. Nonsupport is a class "D"  
27 felony."  
28 3. Title page, line 5, by inserting after the  
29 word "program" the following: ", nonsupport of a  
30 child or ward, providing for and making criminal  
31 penalties applicable,".



- 32 4. Title page, line 5, by inserting after the  
33 word "program" the following: ", providing  
34 penalties,".  
35 5. By renumbering, relettering, or redesignating  
36 and correcting internal references as necessary.

Lukan of Dubuque offered the following amendment [H-8640](#), to the Senate amendment [H-8607](#), filed by him from the floor and moved its adoption:

[H-8640](#)

- 1 Amend the Senate amendment, [H-8607](#), to House File  
2 2332, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting after line 27 the  
5 following:  
6 "Sec. \_\_\_\_ CHILD SUPPORT RECOVERY UNIT REPORT ON  
7 EFFECTS OF NONSUPPORT PROVISION. The child support  
8 recovery unit shall submit a report to the governor  
9 and the general assembly by January 15, 2007,  
10 regarding the effects of section 726.5, as amended in  
11 this Act. The report shall include, for the period of  
12 July 1, 2006, through January 1, 2007, the total  
13 number of individuals who met the elements of  
14 nonsupport under section 726.5 and could have been  
15 charged with nonsupport, the number of individuals  
16 actually charged and prosecuted under section 726.5,  
17 and any increase in compliance with payment of support  
18 attributable to section 726.5, as amended in this  
19 Act."  
20 2. By renumbering as necessary.

Amendment [H-8640](#) was adopted.

On motion by Lukan of Dubuque the House concurred in the Senate amendment [H-8607](#), as amended.

Lukan of Dubuque 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. 2332](#))

The ayes were, 94:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	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	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

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 2332](#) be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 2:49 p.m., until 4:00 p.m.

## AFTERNOON SESSION

The House reconvened at 4:29 p.m., Hogg of Linn in the chair.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2002](#), a bill for an act increasing the standing amount required to be appropriated, reverted, or transferred to the credit of the senior living trust fund and including effective and retroactive applicability date provisions.

Also: That the Senate has on May 3, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[House File 2332](#), a bill for an act relating to income withholding under the child support recovery program.

Also: That the Senate has on May 3, 2006, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2546](#), a bill for an act relating to public and private landowners' immunity from premises liability during urban deer control hunts authorized by municipal ordinances.

Also: That the Senate has on May 3, 2006, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2706](#), a bill for an act providing for the confidentiality of certain records relating to charitable donations for the benefit of a government body.

Also: That the Senate has on May 3, 2006, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

[House File 2743](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

Also: That the Senate has on May 3, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2765](#), a bill for an act concerning the military division of the department of public defense.

Also: That the Senate has on May 3, 2006, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2769](#), a bill for an act relating to the community empowerment initiative and making an appropriation.

Also: That the Senate has on May 2, 2006, passed the following bill in which the concurrence of the Senate was asked:

[House File 2791](#), a bill for an act concerning community foundations and economic development relating to the endow Iowa tax credit, the allocation of gambling tax revenues, the distribution of county endowment moneys, making an appropriation, and providing an effective date.

Also: That the Senate has on May 3, 2006, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

[Senate File 2272](#), a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards and including effective and applicability provisions.

Also: That the Senate has on May 3, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2398](#), a bill for an act providing a sales tax exemption for purchases of solar energy equipment.

MICHAEL E. MARSHALL, Secretary

#### SENATE AMENDMENT CONSIDERED

Kurtenbach of Story called up for consideration [House File 2706](#), a bill for an act providing for the confidentiality of certain records relating to charitable donations made to a foundation acting solely for the support of an institution governed by the state board of regents, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303, organized for the support of a government body, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8643](#):

#### [H-8643](#)

- 1 Amend [House File 2706](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 11, by striking the words
- 4 "information about".
- 5 2. Page 1, line 14, by inserting after the word
- 6 "a" the following: "donor or".
- 7 3. Page 1, by inserting after line 29, the
- 8 following:
- 9 "f. The confidential records described in
- 10 paragraphs "a" through "e" shall not be construed to
- 11 make confidential those portions of records disclosing
- 12 any of the following:
- 13 (1) The amount and date of the donation.

- 14 (2) Any donor–designated use or purpose of the  
 15 donation.  
 16 (3) Any other donor–imposed restrictions on the  
 17 use of the donation.  
 18 (4) When a pledge or donation is made expressly  
 19 conditioned on receipt by the donor, or any person  
 20 related to the donor by blood or marriage within the  
 21 third degree of consanguinity, of any privilege,  
 22 benefit, employment, program admission, or other  
 23 special consideration from the government body, a  
 24 description of any and all such consideration offered  
 25 or given in exchange for the pledge or donation.  
 26 g. Except as provided in paragraphs "a" through  
 27 "f", portions of records relating to the receipt,  
 28 holding, and disbursement of gifts made for the  
 29 benefit of regents institutions and made through  
 30 foundations established for support of regents  
 31 institutions, including but not limited to written  
 32 fund-raising policies and documents evidencing  
 33 fund-raising practices, shall be subject to this  
 34 chapter."  
 35 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8643](#).

Kurtenbach of Story 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. 2706](#))

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Paulsen

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	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Hogg, Presiding			

The nays were, none.

Absent or not voting, 7:

Fallon	Hunter	Jones	Lensing
Olson, R.	Tomenga	Zirkelbach	

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 2706](#) be immediately messaged to the Senate.

#### HOUSE RECEDES

Heaton of Henry called up for consideration [House File 2743](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, amended by the House and moved that the House recede from its amendment.

The motion prevailed and the House recesses.

Heaton of Henry moved that the bill 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. 2743](#))

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta

Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Paulsen
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	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Hogg, Presiding			

The nays were, none.

Absent or not voting, 7:

Fallon	Hunter	Jones	Lensing
Olson, R.	Tomenga	Zirkelbach	

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

#### SENATE AMENDMENT CONSIDERED

Kaufmann of Cedar called up for consideration [Senate File 2272](#), a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards and including effective and applicability provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-8645](#) to the House amendment:

#### [H-8645](#)

- 1 Amend the House amendment, [S-5257](#), to Senate File
- 2 2272, as amended, passed, and reprinted by the Senate,
- 3 as follows:

- 4 1. By striking page 3, line 24, through page 4,  
 5 line 42, and inserting the following:  
 6 "Sec. \_\_\_\_ Section 256F.3, subsection 6, Code  
 7 2005, is amended to read as follows:  
 8 6. Upon approval of an application for the  
 9 proposed establishment of a charter school, the school  
 10 board shall submit an application for approval to  
 11 establish the charter school to the state board in  
 12 accordance with section 256F.5. The application shall  
 13 set forth the manner in".  
 14 2. By striking page 5, line 18, through page 9,  
 15 line 5.  
 16 3. Page 12, by striking lines 36 through 39 and  
 17 inserting the following:  
 18 "Sec. \_\_\_\_ EFFECTIVE DATE. The section of this  
 19 division of this Act amending section 256F.3,  
 20 subsection 6, being deemed of immediate importance,  
 21 takes effect upon enactment."  
 22 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8645](#), to the House amendment.

Kaufmann of Cedar moved that the bill, as amended by the House, further 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?" ([S.F. 2272](#))

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foegen
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel



Schueller	Shomshor	Shultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Hogg, Presiding			

The nays were, none.

Absent or not voting, 7:

Fallon	Hunter	Jones	Lensing
Olson, R.	Tomenga	Zirkelbach	

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

#### SENATE AMENDMENT CONSIDERED

J.R. Van Fossen of Scott called up for consideration [House File 2546](#), a bill for an act relating to public and private landowners' immunity from premises liability during urban deer control hunts authorized by municipal ordinances, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8644](#):

#### [H-8644](#)

1 Amend [House File 2546](#), as passed by the House, as  
 2 follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 461C.1, Code 2005, is amended  
 6 to read as follows:  
 7 461C.1 PURPOSE.  
 8 The purpose of this chapter is to encourage private  
 9 owners of land to make land and water areas available  
 10 to the public for recreational purposes and for urban  
 11 deer control by limiting their liability toward  
 12 persons entering thereon for such purposes.  
 13 Sec. 2. Section 461C.2, subsection 3, Code 2005,  
 14 is amended to read as follows:  
 15 3. "Land" means private land located in a  
 16 municipality including abandoned or inactive surface  
 17 mines, caves, and land used for agricultural purposes,  
 18 including marshlands, timber, grasslands and the  
 19 privately owned roads, water, water courses, private

20 ways and buildings, structures and machinery or  
21 equipment appurtenant thereto.  
22 Sec. 3. Section 461C.2, Code 2005, is amended by  
23 adding the following new subsections:  
24 NEW SUBSECTION. 3A. "Municipality" means any city  
25 or county in the state.  
26 NEW SUBSECTION. 5. "Urban deer control" means  
27 deer hunting with a bow and arrow on private land in a  
28 municipality, without charge, as authorized by a  
29 municipal ordinance, for the purpose of reducing or  
30 stabilizing an urban deer population in the  
31 municipality.  
32 Sec. 4. Section 461C.3, Code 2005, is amended to  
33 read as follows:  
34 461C.3 LIABILITY OF OWNER LIMITED.  
35 Except as specifically recognized by or provided in  
36 section 461C.6, an owner of land owes no duty of care  
37 to keep the premises safe for entry or use by others  
38 for recreational purposes or urban deer control, or to  
39 give any warning of a dangerous condition, use,  
40 structure, or activity on such premises to persons  
41 entering for such purposes.  
42 Sec. 5. Section 461C.4, unnumbered paragraph 1,  
43 Code 2005, is amended to read as follows:  
44 Except as specifically recognized by or provided in  
45 section 461C.6, a holder of land who either directly  
46 or indirectly invites or permits without charge any  
47 person to use such property for recreational purposes  
48 or urban deer control does not thereby:  
49 Sec. 6. Section 461C.5, Code 2005, is amended to  
50 read as follows:

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1 461C.5 DUTIES AND ABILITIES OF OWNER OF LEASED  
2 LAND.  
3 Unless otherwise agreed in writing, the provisions  
4 of sections 461C.3 and 461C.4 shall be deemed  
5 applicable to the duties and liability of an owner of  
6 land leased, or any interest or right therein  
7 transferred to, or the subject of any agreement with,  
8 the United States or any agency thereof, or the state  
9 or any agency or subdivision thereof, for recreational  
10 purposes or urban deer control.  
11 Sec. 7. Section 461C.6, subsection 2, Code 2005,  
12 is amended to read as follows:  
13 2. For injury suffered in any case where the owner  
14 of land charges the person or persons who enter or go  
15 on the land for the recreational use thereof or for  
16 deer hunting, except that in the case of land or any  
17 interest or right therein, leased or transferred to,  
18 or the subject of any agreement with, the United

19 States or any agency thereof or the state or any  
20 agency thereof or subdivision thereof, any  
21 consideration received by the holder for such lease,  
22 interest, right or agreement, shall not be deemed a  
23 charge within the meaning of this section.

24 Sec. 8. Section 461C.7, subsection 2, Code 2005,  
25 is amended to read as follows:

26 2. Relieve any person using the land of another  
27 for recreational purposes or urban deer control from  
28 any obligation which the person may have in the  
29 absence of this chapter to exercise care in the use of  
30 such land and in the person's activities thereon, or  
31 from the legal consequences of failure to employ such  
32 care.

33 Sec. 9. NEW SECTION. 461C.8 URBAN DEER CONTROL  
34 – MUNICIPAL ORDINANCE.

35 1. A municipality may adopt an ordinance  
36 authorizing trained, volunteer hunters to hunt deer  
37 with a bow and arrow on private land within the  
38 municipality, without charge, for the purpose of urban  
39 deer control.

40 2. The ordinance shall specify all of the  
41 following:

42 a. How a person qualifies to participate in urban  
43 deer control.

44 b. Where urban deer control can occur.

45 c. Conditions under which urban deer control can  
46 be conducted, which are intended to minimize the risk  
47 of injury to persons and property.

48 3. A hunter who participates in urban deer control  
49 pursuant to this section shall be otherwise qualified  
50 to hunt deer in this state, have a hunting license and

Page 3

1 pay the wildlife habitat fee, and obtain a special  
2 deer hunting license valid only for the dates,  
3 locations, and type of deer specified on the license.  
4 Special deer hunting licenses issued pursuant to this  
5 section shall be available only to residents and shall  
6 cost the same as deer hunting licenses issued during  
7 general deer seasons. The commission may establish  
8 procedures for issuing more than one license per  
9 person as necessary to achieve the purposes of urban  
10 deer control, and the cost of each additional license  
11 shall be ten dollars.

12 4. An urban deer control ordinance is not  
13 effective until it has been approved by the department  
14 of natural resources.

15 5. The department of natural resources shall adopt  
16 rules in accordance with chapter 17A necessary for the  
17 administration of this section."

18 2. Title page, by striking lines 1 through 3 and  
 19 inserting the following: "An Act allowing private  
 20 landowners limited immunity from premises liability  
 21 during urban deer control hunts."

The motion prevailed and the House concurred in the Senate amendment [H-8644](#).

J.R. Van Fossen of Scott 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. 2546](#))

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Paulsen
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	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Hogg, Presiding			

The nays were, none.

Absent or not voting, 7:

Fallon	Hunter	Jones	Lensing
Olson, R.	Tomenga	Zirkelbach	

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

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2546, 2743** and **[Senate File 2272](#)**.

#### SENATE AMENDMENT CONSIDERED

Tymeson of Madison called up for consideration **[House File 2769](#)**, a bill for an act relating to the community empowerment initiative and making an appropriation, amended by the Senate, and moved that the House concur in the following Senate amendment **[H-8646](#)**:

#### [H-8646](#)

- 1 Amend [House File 2769](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, line 24, by inserting after the word
- 4 "three." the following: "The programs funded under
- 5 this section shall have a home visitation component."

The motion prevailed and the House concurred in the Senate amendment **[H-8646](#)**.

Tymeson of Madison 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. 2769](#)**)

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Horbach	Huseman

Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Paulsen
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	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Hogg, Presiding			

The nays were, none.

Absent or not voting, 7:

Fallon	Hunter	Jones	Lensing
Olson, R.	Tomenga	Zirkelbach	

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

On motion by Gipp of Winneshiek, the House was recessed at 5:00 p.m., until 6:00 p.m.

#### EVENING SESSION

The House reconvened at 6:38 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 eighty members present, twenty absent.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 2006, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2351](#), a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, essential county purposes, and other properly related matters, and including effective and applicability provisions.

Also: That the Senate has on May 3, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2377](#), a bill for an act relating to animal feeding operations, by providing for standards and evaluations by the department of natural resources.

MICHAEL E. MARSHALL, Secretary

MOTION TO RECONSIDER WITHDRAWN  
([Senate File 2399](#))

Watts of Dallas asked and received unanimous consent to withdraw the motion to reconsider [Senate File 2399](#), a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including an effective date, filed by him on May 2, 2006.

SENATE AMENDMENT CONSIDERED

Kaufmann of Cedar called up for consideration [House File 2351](#), a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8647](#):

[H-8647](#)

- 1 Amend [House File 2351](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, lines 4 and 5, by striking the words
- 4 "utilities or persons" and inserting the following:
- 5 "utilities, ~~or persons, companies, or corporations~~".
- 6 2. Page 2, line 29, by inserting after the word
- 7 "property" the following: "for redevelopment purposes
- 8 and to eliminate slum or blighted conditions".
- 9 3. Page 2, line 35, by striking the words "city
- 10 or county" and inserting the following:
- 11 "municipality".
- 12 4. Page 3, by striking lines 1 through 3 and
- 13 inserting the following: "public input, if seventy-
- 14 five percent or more of the area included in the plan

15 consists of property in a slum or blighted".

16 5. Page 3, line 6, by inserting after the word  
17 "municipality." the following: "The project or  
18 acquisition plan area shall only include the adjacent  
19 and contiguous parcels necessary for the completion of  
20 planned activities for a specific business or housing  
21 project. Before a municipality exercises its eminent  
22 domain authority to acquire properties in a project or  
23 acquisition plan area that are not in a slum or  
24 blighted condition, the municipality shall be required  
25 to adopt a resolution by a two-thirds majority to  
26 authorize the acquisition of such property by eminent  
27 domain. The resolution shall make a finding that  
28 includes at a minimum all of the following:

29 (a) The taking of such property is necessary to  
30 achieve the project or acquisition plan objectives.

31 (b) The taking of property for the project or  
32 acquisition plan will eliminate or rehabilitate the  
33 slum and blighted conditions in the area.

34 (c) If the specific project is for a business, the  
35 proposed project or acquisition plan will confer  
36 economic benefits upon the municipality."

37 6. Page 3, by striking lines 7 through 10.

38 7. Page 3, by striking lines 11 through 14 and  
39 inserting the following:

40 "For purposes of this subparagraph (5):

41 (a) "Blighted condition" means the presence of a  
42 substantial number of slum or deteriorated structures;  
43 insanitary or unsafe".

44 8. Page 3, by striking line 24 and inserting the  
45 following:

46 "(b) "Slum condition"."

47 9. Page 3, by striking line 32 and inserting the  
48 following: "sanitation; by reason".

49 10. Page 4, by striking line 2 and inserting the  
50 following:

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1 "(c) In no case shall".

2 11. Page 4, by inserting after line 4 the  
3 following:

4 "(d) "Project or acquisition plan" means the  
5 planned activities of a municipality to rehabilitate  
6 or redevelop specific property in that portion of an  
7 urban renewal area designated as a slum or blighted  
8 area pursuant to chapter 403. The planned activities  
9 may include the sale and acquisition of property;  
10 demolition and removal of buildings and improvements;  
11 construction, repair, and rehabilitation of buildings  
12 or other improvements; and installation, construction,  
13 or reconstruction of streets and utilities.



14 (e) "Economic benefits" means the creation of new  
15 employment opportunities or the retention of  
16 employment opportunities."

17 12. Page 4, line 11, by striking the words  
18 "development or," and inserting the following:  
19 "development, or".

20 13. Page 4, by striking lines 14 through 19 and  
21 inserting the following:

22 "(1) If private property is to be condemned for  
23 development or creation of a lake, only that number of  
24 acres justified as necessary for a surface drinking  
25 water source, and not otherwise acquired, may be  
26 condemned. In addition, the acquiring agency shall  
27 conduct a review of prudent and feasible alternatives  
28 to provision of a drinking water source prior to  
29 making a determination that such lake development or  
30 creation is reasonable and necessary. Development or  
31 creation of a lake as a surface drinking water source  
32 includes all of the following:

33 (a) Construction of the dam, including sites for  
34 suitable borrow material and the auxiliary spillway.

35 (b) The water supply pool.

36 (c) The sediment pool.

37 (d) The flood control pool.

38 (e) The floodwater retarding pool.

39 (f) The surrounding area upstream of the dam no  
40 higher in elevation than the top of the dam's  
41 elevation.

42 (g) The appropriate setback distance required by  
43 state or federal laws and regulations to protect  
44 drinking water supply.

45 For purposes of this subparagraph (1), "number of  
46 acres justified as necessary for a surface drinking  
47 water source" means according to guidelines of the  
48 United States natural resource conservation service  
49 and according to analyses of surface drinking water  
50 capacity needs conducted by one or more registered

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1 professional engineers."

2 14. Page 4, by striking lines 20 through 24.

3 15. Page 4, by striking lines 25 through 27.

4 16. Page 5, line 6, by inserting after the word  
5 "action." the following: "This subparagraph does not  
6 apply if any of the following conditions is met:

7 (a) The property to be condemned is for an  
8 improvement to an existing airport, airport system, or  
9 aviation facilities if such improvement is required by  
10 federal law, regulation, or order or if such  
11 improvement is included in an airport layout plan  
12 approved by the federal aviation administration for

13 the existing site of the airport, airport system, or  
14 aviation facilities.

15 (b) The property to be condemned has been zoned by  
16 a city or county for use as an airport, airport  
17 system, or aviation facilities.

18 (c) The property to be condemned is for a proposed  
19 airport, airport system, or aviation facilities that  
20 as of July 1, 2006, was designated in the federal  
21 aviation administration national plan for integrated  
22 airport services, and the property to be condemned is  
23 located within the county where at least one of the  
24 cities that will participate in operation of the  
25 proposed airport, airport system, or aviation  
26 facilities is located."

27 17. By striking page 5, line 7, through page 7,  
28 line 13.

29 18. Page 7, by inserting before line 14 the  
30 following:

31 "Sec. \_\_\_. NEW SECTION. 6A.22A EXCEPTION FOR  
32 CERTAIN URBAN RENEWAL AREAS.

33 1. The requirement in section 6A.22, subsection 2,  
34 paragraph "a", subparagraph (5), that eminent domain  
35 authority be exercised on a parcel-by-parcel basis and  
36 the exception in that subparagraph (5) for project or  
37 acquisition plans with seventy-five percent or more of  
38 the area consisting of property in a slum or blighted  
39 condition, take effect October 1, 2006. However, if  
40 an acquiring agency adopts a resolution after the date  
41 of enactment of this Act but before October 1, 2006,  
42 approving acquisition of property by eminent domain in  
43 that portion of an urban renewal area designated as a  
44 slum or blighted area, such requirement or exception  
45 shall not apply to any condemnation application  
46 seeking to condemn that property if the application is  
47 filed before October 1, 2007, with the chief judge of  
48 the judicial district of the county in which the  
49 property is located.

50 2. This section is repealed December 31, 2007."

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1 19. Page 7, by inserting before line 14 the  
2 following:

3 "Sec. \_\_\_. NEW SECTION. 6A.23 JUDICIAL REVIEW OF  
4 EMINENT DOMAIN AUTHORITY.

5 1. An owner of property described in an  
6 application for condemnation may bring an action  
7 challenging the exercise of eminent domain authority  
8 or the condemnation proceedings. Such action shall be  
9 commenced within thirty days after service of notice  
10 of assessment pursuant to section 6B.8 by the filing  
11 of a petition in district court. Service of the

12 original notice upon the acquiring agency shall be as  
13 required in the rules of civil procedure. In addition  
14 to the owner of the property, a contract purchaser of  
15 record of the property or a tenant occupying the  
16 property under a recorded lease shall also have  
17 standing to bring such action.

18 2. An acquiring agency that proposes to acquire  
19 property by eminent domain may file a petition in  
20 district court seeking a determination and declaration  
21 that its finding of public use, public purpose, or  
22 public improvement necessary to support the taking  
23 meets the definition of those terms. The action shall  
24 be commenced by the filing of a petition identifying  
25 all property owners whose property is proposed to be  
26 acquired, any contract purchaser of record of the  
27 property, and any tenant known to be occupying the  
28 property, and including a description of the  
29 properties proposed to be acquired and a statement of  
30 the public use, public purpose, or public improvement  
31 supporting the acquisition of the property by eminent  
32 domain. The original notice shall be served as  
33 required by the rules of civil procedure on each  
34 property owner named in the petition and on any  
35 contract purchaser of record of the property and on  
36 any tenant occupying the property under a recorded  
37 lease. Such action may be commenced by an acquiring  
38 agency at any time prior to the filing of an  
39 application for condemnation pursuant to section 6B.3.

40 3. For any action brought under this section, the  
41 burden of proof shall be on the acquiring agency to  
42 prove by a preponderance of the evidence that the  
43 finding of public use, public purpose, or public  
44 improvement meets the definition of those terms. If a  
45 property owner or a contract purchaser of record or a  
46 tenant occupying the property under a recorded lease  
47 prevails in an action brought under this section, the  
48 acquiring agency shall be required to pay the costs,  
49 including reasonable attorney fees, of the adverse  
50 party."

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1 20. Page 7, line 34, by striking the words "may  
2 offer" and inserting the following: "may make".

3 21. Page 8, line 1, by striking the word "twenty-  
4 five" and inserting the following: "thirty".

5 22. Page 8, line 11, by inserting after the  
6 figure "6B-54," the following: "The option to make an  
7 Ualternative purchase offer does not apply when  
8 property is being acquired for street and highway  
9 projects undertaken by the state, a county, or a  
10 city."

11 23. Page 8, by inserting after line 11 the  
12 following:  
13 "Sec.\_\_\_\_. NEW SECTION. 6B.2D NOTICE OF INTENT  
14 TO APPROVE ACQUISITION OF PROPERTY BY EMINENT DOMAIN.  
15 1. The acquiring agency shall send notice of a  
16 proposed resolution, motion, or other document  
17 authorizing acquisition of property by eminent domain  
18 to each property owner whose property is proposed to  
19 be acquired by eminent domain, to any contract  
20 purchaser of record of the property, and to any tenant  
21 known to be occupying the property at least fourteen  
22 days prior to the date of the meeting at which such  
23 proposed authorization will be considered for adoption  
24 by the acquiring agency. The notice shall include the  
25 date, time, and place of the meeting and a statement  
26 that the persons receiving the notice have a right to  
27 attend the meeting and to voice objection to the  
28 proposed acquisition of the property. The notice  
29 shall include a copy of the proposed resolution,  
30 motion, or other document authorizing acquisition by  
31 eminent domain. The notice shall also include the  
32 same statement of individual rights that is required  
33 by section 6B.2A.  
34 2. This section shall not apply to the following:  
35 a. Street and highway projects undertaken by the  
36 state, a county, or a city.  
37 b. Projects undertaken by a municipal utility.  
38 c. Projects undertaken by a city enterprise  
39 providing services of sewer systems, storm water  
40 drainage systems, sewage treatment, solid waste  
41 collection, or solid waste disposal.  
42 d. Projects undertaken by a county enterprise  
43 providing services described in section 331.461,  
44 subsection 2, paragraphs "b" and "f".  
45 24. By striking page 8, line 22, through page 9,  
46 line 1.  
47 25. Page 9, by inserting before line 2 the  
48 following:  
49 "Sec.\_\_\_\_. Section 6B.3, subsection 2, Code 2005,  
50 is amended to read as follows:

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1 2. The applicant shall mail a copy of the  
2 application by certified mail to the owner at the  
3 owner's last known address, to any contract purchaser  
4 of record of the property, to any tenant known to be  
5 occupying the property, and to any record lienholder  
6 or encumbrancer of the property at the lienholder's or  
7 encumbrancer's last known address. The applicant  
8 shall also cause the application to be published once  
9 in a newspaper of general circulation in the county,

10 not less than four nor more than twenty days before  
11 the meeting of the compensation commission to assess  
12 the damages. Service of the application by  
13 publication shall be deemed complete on the day of  
14 publication.

15 In lieu of mailing and publishing the application,  
16 the applicant may cause the application to be served  
17 upon the owner, contract purchaser of record, tenant  
18 known to be occupying the property, record  
19 lienholders, and record encumbrancers of the property  
20 in the manner provided by the Iowa rules of civil  
21 procedure for the personal service of original notice.  
22 The application shall be mailed and published or  
23 served, as above provided, prior to or  
24 contemporaneously with the mailing and publication or  
25 service of the list of compensation commissioners as  
26 provided in section 6B.4."

27 26. Page 9, by striking lines 22 through 25 and  
28 inserting the following: "is situated as provided in  
29 section 6A.23."

30 27. Page 10, by striking lines 17 through 24 and  
31 inserting the following: "may deliberate in closed  
32 session. When deliberating in closed session, the  
33 meeting is closed to all persons who are not  
34 commissioners except for personnel from the sheriff's  
35 office if such personnel is requested by the  
36 commission. After deliberations commence, the  
37 commission and each commissioner is prohibited from  
38 communicating with any party to the proceeding, ~~unless~~  
39 ~~such communication occurs in the presence of or with~~  
40 ~~the consent of the property owner and the other~~  
41 ~~parties who appeared before the commission.~~ However,  
42 if the commission is deliberating in closed session,  
43 and after deliberations commence the commission  
44 requires further information from a party or a  
45 witness, the commission shall notify the property  
46 owner and the acquiring agency that they are allowed  
47 to attend the meeting at which such additional  
48 information shall be provided but only for that period  
49 of time during which the additional information is  
50 being provided. The property owner and the acquiring

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1 agency shall be given a reasonable opportunity to  
2 attend the meeting. The".

3 28. Page 11, by inserting before line 4 the  
4 following:

5 "Sec. \_\_\_\_. Section 6B.33, Code 2005, is amended to  
6 read as follows:

7 6B.33 COSTS AND ATTORNEY FEES.

8 The ~~applicant~~ acquiring agency shall pay all costs

9 of the assessment made by the commissioners and  
 10 reasonable attorney fees and costs, including the  
 11 reasonable cost of one appraisal, incurred by the  
 12 condemnee as determined by the commissioners if the  
 13 award of the commissioners exceeds one hundred ten  
 14 percent of the final offer of the applicant prior to  
 15 condemnation. The condemnee shall submit an  
 16 application for fees and costs prior to adjournment of  
 17 the final meeting of the compensation commission held  
 18 on the matter. The ~~applicant~~ acquiring agency shall  
 19 file with the sheriff an affidavit setting forth the  
 20 most recent offer made to the person whose property is  
 21 sought to be condemned. Members of such commissions  
 22 shall receive a per diem of two hundred dollars and  
 23 actual and necessary expenses incurred in the  
 24 performance of their official duties. The ~~applicant~~  
 25 acquiring agency shall reimburse the county sheriff  
 26 for the per diem and expense amounts paid by the  
 27 sheriff to the members. The ~~applicant~~ acquiring  
 28 agency shall reimburse the owner for the expenses the  
 29 owner incurred for recording fees, penalty costs for  
 30 full or partial prepayment of any preexisting recorded  
 31 mortgage entered into in good faith encumbering the  
 32 property, and for similar expenses incidental to  
 33 conveying the property to the ~~applicant~~ acquiring  
 34 agency. The ~~applicant~~ acquiring agency shall also pay  
 35 all costs occasioned by the appeal, including  
 36 reasonable attorney fees and the reasonable cost  
 37 incurred by the property owner for one appraisal to be  
 38 taxed by the court, unless on the trial thereof the  
 39 same or a lesser amount of damages is awarded than was  
 40 allowed by the tribunal from which the appeal was  
 41 taken."

42 29. Page 11, line 28, by striking the word  
 43 "commissioners" and inserting the following:  
 44 "acquiring agency".

45 30. Page 13, line 24, by striking the word  
 46 "offer" and inserting the following: "make".

47 31. Page 13, line 26, by striking the word  
 48 "twenty-five" and inserting the following: "thirty".

49 32. Page 14, line 2, by inserting after the word  
 50 "easement." the following: "The option to make an

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1 alternative purchase offer does not apply when  
 2 property is being acquired for street and highway  
 3 projects undertaken by the state, a county, or a  
 4 city."

5 33. Page 15, by striking lines 18 through 20.

6 34. Page 15, line 35, by striking the word  
 7 "twenty-five" and inserting the following: "thirty".

- 8 35. Page 16, line 5, by inserting after the word  
9 "law," the following: "This subsection does not apply to  
10 when property is being acquired for street and highway  
11 projects undertaken by the state, a county, or a  
12 city."
- 13 36. Page 16, by inserting after line 13 the  
14 following:  
15 "Sec. \_\_\_\_ Section 6B.56, subsection 1, Code 2005,  
16 is amended to read as follows:  
17 1. If real property condemned pursuant to this  
18 chapter is not used for the purpose stated in the  
19 application filed pursuant to section 6B.3 and the  
20 ~~condemner~~ acquiring agency seeks to dispose of the  
21 real property, the ~~condemner~~ acquiring agency shall  
22 first offer the property for sale to the prior owner  
23 of the condemned property as provided in this section.  
24 If real property condemned pursuant to this chapter is  
25 used for the purpose stated in the application filed  
26 pursuant to section 6B.3 and the acquiring agency  
27 seeks to dispose of the real property by sale to a  
28 private person or entity within five years after  
29 acquisition of the property, the acquiring agency  
30 shall first offer the property for sale to the prior  
31 owner of the condemned property as provided in this  
32 section. For purposes of this section, the prior  
33 owner of the real property includes the successor in  
34 interest of the real property."
- 35 37. Page 16, line 17, by striking the word  
36 "condemner" and inserting the following: "~~condemner~~  
37 acquiring agency".
- 38 38. Page 16, line 18, by striking the word  
39 "condemner's" and inserting the following:  
40 "~~condemner's~~ acquiring agency's".
- 41 39. Page 16, by striking line 25 and inserting  
42 the following: "agency from the prior owner plus  
43 cleanup costs incurred by the acquiring agency,  
44 whichever is less. However, the current appraised  
45 value of the real property shall be the purchase price  
46 to be paid by the previous owner if any other amount  
47 would result in a loss of federal funding for projects  
48 funded in whole or in part with federal funds. The  
49 notice".
- 50 40. Page 16, line 26, by striking the word

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- 1 "condemner" and inserting the following: "~~condemner~~  
2 acquiring agency".
- 3 41. Page 16, by inserting after line 28 the  
4 following:  
5 "Sec. \_\_\_\_ Section 6B.56, subsection 3, Code 2005,  
6 is amended to read as follows:

7 3. If the prior owner elects to purchase the real  
8 property at the price established in subsection 2,  
9 before the expiration of the sixty-day period, the  
10 prior owner shall notify the ~~condemner~~ acquiring  
11 agency in writing of this intention and file a copy of  
12 this notice with the office of the recorder in the  
13 county in which the real property is located."

14 42. Page 16, by inserting after line 28 the  
15 following:

16 "For purposes of this subsection, "cleanup costs"  
17 means costs incurred to abate a nuisance or a public  
18 nuisance as those terms are defined in chapters 657  
19 and 657A and costs incurred to recycle and remediate  
20 land pursuant to chapter 455H."

21 43. By striking page 16, line 29, through page  
22 17, line 18.

23 44. Page 17, by inserting before line 19 the  
24 following:

25 "Sec. NEW SECTION. 6B.56A DISPOSITION OF  
26 CONDEMNED PROPERTY – FIVE-YEAR TIME PERIOD.

27 1. When five years have elapsed since property was  
28 condemned and the property has not been used for the  
29 purpose stated in the application filed pursuant to  
30 section 6B.3, and the acquiring agency has not taken  
31 action to dispose of the property pursuant to section  
32 6B.56, the acquiring agency shall, within sixty days,  
33 adopt a resolution reaffirming the purpose for which  
34 the property will be used or offering the property for  
35 sale to the prior owner at a price as provided in  
36 section 6B.56. If the resolution adopted approves an  
37 offer of sale to the prior owner, the offer shall be  
38 made in writing and mailed by certified mail to the  
39 prior owner. The prior owner has one hundred eighty  
40 days after the offer is mailed to purchase the  
41 property from the acquiring agency.

42 2. If the acquiring agency has not adopted a  
43 resolution described in subsection 1 within the sixty-  
44 day time period, the prior owner may, in writing,  
45 petition the acquiring agency to offer the property  
46 for sale to the prior owner at a price as provided in  
47 section 6B.56. Within sixty days after receipt of  
48 such a petition, the acquiring agency shall adopt a  
49 resolution described in subsection 1. If the  
50 acquiring agency does not adopt such a resolution

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1 within sixty days after receipt of the petition, the  
2 acquiring agency is deemed to have offered the  
3 property for sale to the prior owner.

4 3. The acquiring agency shall give written notice  
5 to the owner of the right to purchase the property



6 under this section at the time damages are paid to the  
7 owner.

8 4. This section does not apply to property  
9 acquired for street and highway projects undertaken by  
10 the state, a county, or a city."

11 45. Page 17, by inserting before line 19, the  
12 following:

13 "Sec. \_\_\_\_\_. Section 6B.57, Code 2005, is amended to  
14 read as follows:

15 6B.57 PROCEDURAL COMPLIANCE.

16 If an acquiring agency makes a good faith effort to  
17 serve, send, or provide the notices or documents  
18 required under this chapter to the owner and any  
19 contract purchaser of private property that is or may  
20 be the subject of condemnation, or to any tenant known  
21 to be occupying such property if notices or documents  
22 are required to be served, sent, or provided to such a  
23 person, but fails to provide the notice or documents  
24 to the owner and any contract purchaser, or to any  
25 tenant known to be occupying the property if  
26 applicable, such failure shall not constitute grounds  
27 for invalidation of the condemnation proceeding if the  
28 chief judge of the judicial district determines that  
29 such failure can be corrected by delaying the  
30 condemnation proceedings to allow compliance with the  
31 requirement or such failure does not unreasonably  
32 prejudice the owner or any contract purchaser."

33 46. Page 17, by inserting before line 19 the  
34 following:

35 "Sec. \_\_\_\_\_. Section 6B.58, Code 2005, is amended to  
36 read as follows:

37 6B.58 ACQUIRING AGENCY – DEFINITION.

38 For purposes of this chapter, an "acquiring agency"  
39 means the state of Iowa or any person or entity  
40 conferred the right by statute to condemn private  
41 property or to otherwise exercise the power of eminent  
42 domain. In the exercise of eminent domain power, the  
43 words "applicant" and "condemner" mean acquiring  
44 agency as defined in this section, unless the context  
45 clearly requires otherwise."

46 47. Page 17, by striking lines 20 through 24 and  
47 inserting the following:

48 "Rent shall not be charged to a person in  
49 possession of the property and shall not accrue  
50 against the property owner until all or a portion of

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1 the compensation commission award has been paid to the  
2 condemnee pursuant to section 6B.25."

3 48. By striking page 17, line 30, through page  
4 18, line 2, and inserting the following: "to acquire

5 property shall not exercise such authority outside the  
 6 jurisdictional limits of the political subdivisions  
 7 participating in the entity at the time of such  
 8 exercise of authority without first presenting the  
 9 proposal to acquire such property by eminent domain to  
 10 the board of supervisors of each county where the  
 11 property is located and such proposal receives the  
 12 approval, by resolution, of each applicable board of  
 13 supervisors. However, this section does not apply to  
 14 an entity created by or on behalf of one or more  
 15 political subdivisions if the entity is authorized by  
 16 statute to act as a political subdivision and if this  
 17 section would limit the ability of the entity to  
 18 comply with requirements or limitations imposed by the  
 19 Internal Revenue Code to preserve the tax exemption of  
 20 interest payable on bonds or obligations of the entity  
 21 acting as a political subdivision."

22 49. Page 18, line 5, by inserting after the word  
 23 and figure "chapter 476A." the following: "This  
 24 section does not apply to property condemned by or on  
 25 behalf of a multistate entity created to provide  
 26 drinking water that has received or is receiving  
 27 federal funds, but only if such property is to be  
 28 acquired for water transmission and service lines,  
 29 pump stations, water storage tanks, meter houses and  
 30 vaults, related appurtenances, or supporting  
 31 utilities."

32 50. Page 18, by striking lines 6 through 16.

33 51. Page 19, by striking lines 4 through 23.

34 52. Page 20, by striking lines 12 and 13, and  
 35 inserting the following: "for the following, subject  
 36 to the provisions of chapters 6A and 6B:"

37 53. Page 20, by inserting after line 20 the  
 38 following:

39 "e. The operation of a landfill or other solid  
 40 waste disposal or processing site."

41 54. Page 20, by inserting after line 20 the  
 42 following:

43 "\_. The use of property for public streets and  
 44 highways."

45 55. Page 20, by inserting after line 20 the  
 46 following:

47 "\_. The operation of a multistate entity, of  
 48 which the city is a participating member, created to  
 49 provide drinking water that has received or is  
 50 receiving federal funds, but only if such property is

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1 to be acquired for water transmission and service  
 2 lines, pump stations, water storage tanks, meter  
 3 houses and vaults, related appurtenances, or

4 supporting utilities."  
5 56. Page 20, by inserting after line 20 the  
6 following:  
7 "The exceptions provided in paragraphs "a" through  
8 "c" apply only to the extent the city had this power  
9 prior to July 1, 2006."  
10 57. Page 25, by striking lines 17 through 20.  
11 58. Page 28, line 33, by inserting after the word  
12 "of" the following: "that section of".  
13 59. Page 29, by striking lines 3 through 6 and  
14 inserting the following:  
15 "3. The sections of this Act amending sections  
16 6B.2B and 6B.14, unnumbered paragraph 2, the portion  
17 of the section of this Act amending section 6B.54,  
18 subsection 3, and the section of this Act enacting  
19 section 6B.2D take effect January 1, 2007.  
20 4. The sections of this Act amending section 6B.3,  
21 subsection 3, section 6B.56, subsection 2, sections  
22 6B.57 and 6B.58, being deemed of immediate importance,  
23 take effect upon enactment.  
24 5. The remainder of this Act, being deemed of  
25 immediate importance, takes effect upon enactment and  
26 applies to applications for condemnation filed  
27 pursuant to section 6B.3 on or after the date of  
28 enactment, with the following exceptions:  
29 a. The section of this Act enacting section 6A.23  
30 applies to applications for condemnation pending on  
31 the date of enactment of this Act if the appropriate  
32 parties have not been served with a notice of  
33 assessment pursuant to section 6B.8 as of the date of  
34 enactment of this Act.  
35 b. The section of this Act amending section 6B.33  
36 and that portion of the section of this Act enacting  
37 6B.54, subsection 12, apply to applications for  
38 condemnation filed pursuant to section 6B.3 and  
39 pending on the date of enactment of this Act if the  
40 appraisal report required under section 6B.14 has  
41 not been filed with the sheriff as of the date of  
42 enactment of this Act."  
43 60. By renumbering and correcting internal  
44 references as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8647](#).

Kaufmann of Cedar 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. 2351](#))

The ayes were, 89:

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

The nays were, 5:

Jacoby	Mascher	Murphy	Oldson
Tomenga			

Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 2006, adopted the following resolution in which the concurrence of the Senate was asked:

[House Joint Resolution 2006](#), a joint resolution nullifying administrative rules relating to the mandatory reporting of certain acts or omissions by persons licensed by the Iowa Board of Dental Examiners and providing an effective date.

Also: That the Senate has on May 3, 2006, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2782](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, the endowment for Iowa's health restricted capitals fund, the technology reinvestment fund, the endowment for Iowa's health account, and related matters.

MICHAEL E. MARSHALL, Secretary

### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2351](#) and [Senate File 2399](#).

### SENATE AMENDMENT CONSIDERED

Huseman of Cherokee called up for consideration [House File 2782](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, the endowment for Iowa's health restricted capitals fund, the technology reinvestment fund, the endowment for Iowa's health account, and related matters, and providing an immediate effective date, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8648](#):

#### [H-8648](#)

- 1 Amend [House File 2782](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 28 through 31.
- 4 2. Page 2, by striking lines 2 through 5.
- 5 3. Page 2, line 13, by inserting before the word
- 6 "For" the following: "a."
- 7 4. Page 2, by inserting after line 17 the
- 8 following:
- 9 "b. For historical site preservation grants to be
- 10 used for the restoration, preservation, and
- 11 development of historic sites:
- 12 ..... § 800,000

13 In making grants pursuant to this lettered  
 14 paragraph, the department shall consider the existence  
 15 and amount of other funds available to an applicant  
 16 for the designated project. A grant awarded from  
 17 moneys appropriated in this lettered paragraph shall  
 18 not exceed \$100,000 per project. Not more than two  
 19 grants may be awarded in the same county.  
 20 c. For providing a grant to the Grout museum  
 21 district for costs associated with the construction  
 22 and site development at the Sullivan brothers veterans  
 23 museum in order to honor Iowa veterans and their many  
 24 contributions:  
 25 ..... \$ 1,000,000  
 26 d. For the American gothic visitors education  
 27 center in Eldon, Iowa, for infrastructure purposes:  
 28 ..... \$ 250,000"  
 29 5. Page 2, by striking lines 19 and 20 and  
 30 inserting the following:  
 31 "For costs associated with the construction,  
 32 renovation, major repair, and site development of Iowa  
 33 port authorities pursuant to chapter 28J:"  
 34 6. Page 3, by inserting after line 1 the  
 35 following:  
 36 "Of the amount appropriated in this subsection,  
 37 \$200,000 shall be allocated to the state library and  
 38 \$50,000 shall be allocated equally to each library  
 39 service area.  
 40 \_\_\_\_ DEPARTMENT OF HUMAN SERVICES  
 41 To provide a matching grant for the planning,  
 42 design, renovation, and construction of a residential  
 43 treatment facility for youth with emotional and  
 44 behavioral disorders in a city with a population of  
 45 between 10,000 and 15,000 residents located in a  
 46 central Iowa county with a population of approximately  
 47 375,000 residents:  
 48 ..... \$ 300,000  
 49 It is the intent of the general assembly that the  
 50 matching grant awarded from the funds appropriated

Page 2

1 under this subsection shall be awarded only to the  
 2 extent that the state moneys are matched from sources  
 3 other than the state on a dollar-for-dollar basis."  
 4 7. Page 3, line 7, by inserting before the word  
 5 "To" the following: "a."  
 6 8. Page 3, by inserting after line 10 the  
 7 following:  
 8 "b. For repair and maintenance of the four season  
 9 bathhouse shelter at Lake Darling:  
 10 ..... \$ 250,000"  
 11 9. Page 3, line 12, by inserting before the word

12 "For" the following: "a."  
 13 10. Page 3, by inserting after line 14 the  
 14 following:  
 15 "b. For allocation to the homeland security and  
 16 emergency management division for the STARCOMM  
 17 project:  
 18 ..... \$ 1,000,000  
 19 \_\_\_\_ DEPARTMENT OF PUBLIC HEALTH  
 20 To an established regional environmental public  
 21 health and emergency management program for costs  
 22 associated with the planning, design, and construction  
 23 of a building to house environmental public health and  
 24 emergency and facility management:  
 25 ..... \$ 100,000"  
 26 11. Page 3, by inserting before line 15 the  
 27 following:  
 28 "\_\_\_\_ DEPARTMENT OF PUBLIC SAFETY  
 29 a. For the planning, design, and construction of a  
 30 law enforcement driving safety training facility in  
 31 the same location as the automobile racetrack facility  
 32 as defined in section 423.4, subsection 5:  
 33 ..... \$ 800,000  
 34 b. For allocation to the division of fire  
 35 protection for the planning, design, and construction  
 36 of regional emergency response training centers in the  
 37 state:  
 38 ..... \$ 2,300,000  
 39 Of the amount appropriated in this lettered  
 40 paragraph, \$400,000 shall be allocated to the Sioux  
 41 City fire department.  
 42 Of the amount appropriated in this lettered  
 43 paragraph, \$500,000 shall be allocated to the Council  
 44 Bluffs fire department.  
 45 Of the amount appropriated in this lettered  
 46 paragraph, \$150,000 shall be allocated to the Dubuque  
 47 county firemen's association.  
 48 Of the amount appropriated in this lettered  
 49 paragraph, \$150,000 shall be allocated to the Waterloo  
 50 regional hazardous materials training center.

Page 3

1 Of the amount appropriated in this lettered  
 2 paragraph, \$400,000 shall be allocated to eastern Iowa  
 3 community college.  
 4 Of the amount appropriated in this lettered  
 5 paragraph, \$400,000 shall be allocated to Iowa lakes  
 6 community college.  
 7 Of the amount appropriated in this lettered  
 8 paragraph, an additional \$300,000 shall be available  
 9 to a lead public agency of any of the regional  
 10 emergency response training centers upon application

11 to the fire service training bureau. The state fire  
 12 marshal shall adopt rules that establish an  
 13 application procedure for a lead public agency of any  
 14 of the regional emergency response training centers  
 15 identified in section 100B.16. The highest priority  
 16 use for the moneys appropriated under this paragraph  
 17 shall be for regional emergency response training  
 18 centers comprised of two merged areas. Such moneys  
 19 shall be used for the same purposes for which the  
 20 previously identified allocations may be spent and  
 21 shall not be used for facilities related to providing  
 22 advanced training as specified in section 100B.16."

23 12. Page 3, line 30, by inserting after the  
 24 figure "2005," the following: "including projects  
 25 submitted for review to the technology and  
 26 commercialization resources organization created in  
 27 this Act, if enacted,".

28 13. Page 4, line 3, by inserting after the figure  
 29 "2005" the following: ", including projects submitted  
 30 for review to the technology and commercialization  
 31 resources organization created in this Act, if  
 32 enacted".

33 14. Page 4, line 7, by striking the figure  
 34 "10,000,000" and inserting the following:  
 35 "8,350,000".

36 15. Page 4, by striking line 21 and inserting the  
 37 following:  
 38 "g. For endowments and salaries, notwithstanding  
 39 section 8.57, subsection 6, paragraph "c":"

40 16. Page 5, by striking lines 14 through 16 and  
 41 inserting the following:

42 "a. For deposit into the railroad revolving loan  
 43 and grant fund created in section 327H.20A:"

44 17. Page 5, by striking lines 25 through 27.

45 18. Page 5, line 29, by inserting before the word  
 46 "For" the following: "a."

47 19. Page 5, by inserting after line 32 the  
 48 following:

49 "b. For county fair infrastructure improvements  
 50 for distribution in accordance with chapter 174 to

Page 4

1 qualified fairs which belong to the association of  
 2 Iowa fairs:  
 3 ..... § 1,060,000"

4 20. Page 5, line 34, by striking the words  
 5 "department of public defense" and inserting the  
 6 following: "following departments".

7 21. Page 6, line 1, by striking the word "amount"  
 8 and inserting the following: "amounts".

9 22. Page 6, by striking lines 3 through 21 and



10 inserting the following:

11 "1. DEPARTMENT OF ADMINISTRATIVE SERVICES

12 For construction of a new school and infirmary  
13 building at the Iowa juvenile home at Toledo and for  
14 the renovation of existing school buildings and the  
15 demolition of other buildings:

16 ..... \$ 3,100,000

17 2. DEPARTMENT OF CULTURAL AFFAIRS

18 For deposit into the Iowa great places program fund  
19 created in section 303.3D as enacted in this Act:

20 ..... \$ 3,000,000

21 3. DEPARTMENT OF PUBLIC DEFENSE

22 For allocation to the homeland security and  
23 emergency management division for the STARCOMM  
24 project:

25 ..... \$ 2,000,000

26 4. DEPARTMENT OF TRANSPORTATION. For deposit into

27 the public transit infrastructure grant fund created  
28 in section 324A.6A, if enacted in this Act:

29 ..... \$ 2,200,000

30 Sec. \_\_\_\_ There is appropriated from the rebuild  
31 Iowa infrastructure fund to the department of public  
32 defense for the fiscal year beginning July 1, 2008,  
33 and ending June 30, 2009, the following amount, or so  
34 much thereof as is necessary, to be used for the  
35 purposes designated:

36 For allocation to the homeland security and  
37 emergency management division for the STARCOMM  
38 project:

39 ..... \$ 1,600,000"

40 23. Page 6, by striking lines 22 through 29 and

41 inserting the following:

42 "Sec. \_\_\_\_ REVERSION.

43 1. Notwithstanding section 8.33, moneys  
44 appropriated for the fiscal year beginning July 1,  
45 2006, in this division of this Act that remain  
46 unencumbered or unobligated at the close of the fiscal  
47 year shall not revert but shall remain available for  
48 the purposes designated until the close of the fiscal  
49 year that begins July 1, 2009, or until the project  
50 for which the appropriation was made is completed,

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1 whichever is earlier.

2 2. Notwithstanding section 8.33, moneys  
3 appropriated for the fiscal year beginning July 1,  
4 2007, in this division of this Act that remain  
5 unencumbered or unobligated at the close of the fiscal  
6 year shall not revert but shall remain available for  
7 the purposes designated until the close of the fiscal  
8 year that begins July 1, 2010, or until the project

9 for which the appropriation was made is completed,  
 10 whichever is earlier.  
 11 3. Notwithstanding section 8.33, moneys  
 12 appropriated for the fiscal year beginning July 1,  
 13 2008, in this division of this Act that remain  
 14 unencumbered or unobligated at the close of the fiscal  
 15 year shall not revert but shall remain available for  
 16 the purposes designated until the close of the fiscal  
 17 year that begins July 1, 2011, or until the project  
 18 for which the appropriation was made is completed,  
 19 whichever is earlier."

20 24. Page 7, line 1, by inserting after the word  
 21 "new" the following: "approximately".

22 25. Page 7, line 5, by striking the figure  
 23 "14,600,000" and inserting the following:  
 24 "16,100,000".

25 26. Page 7, line 6, by striking the figure  
 26 "14,600,000" and inserting the following:  
 27 "16,800,000".

28 27. Page 7, line 21, by striking the figure  
 29 "14,000,000" and inserting the following:  
 30 "15,650,000".

31 28. Page 8, by inserting after line 14 the  
 32 following:  
 33 "Of the amount appropriated in this lettered  
 34 paragraph, \$150,000 is allocated to the department for  
 35 the purpose of funding a detailed project report by  
 36 the United States army corps of engineers to study  
 37 flood prevention improvements to a levee located in  
 38 the largest city in a county in this state with a  
 39 population between 190,000 and 200,000. To receive  
 40 funds pursuant to this paragraph, the city shall  
 41 provide local matching moneys on a dollar-for-dollar  
 42 basis and shall work to obtain any available federal  
 43 funding."

44 29. Page 8, by striking lines 30 and 31 and  
 45 inserting the following:  
 46 "d. For deposit in the agricultural drainage well  
 47 water quality assistance fund created in section  
 48 460.303 to be used for".

49 30. Page 11, by striking lines 26 through 30 and  
 50 inserting the following:

Page 6

1 " ..... § 975,000  
 2 Of the amount appropriated for the dredging of  
 3 lakes, \$225,000 shall be allocated for a lake with  
 4 public access that has the support of a benefitted  
 5 lake district located in a county with a population  
 6 between 18,350 and 18,450.  
 7 The department shall monitor private lake

8 recipients with a department presence of the funds  
9 appropriated in this lettered paragraph and such  
10 recipients shall provide local matching moneys on a  
11 dollar-for-dollar basis."

12 31. Page 12, by striking lines 8 through 13 and  
13 inserting the following:

14 "i. For completion of the tire reclamation project  
15 near Rhodes:

16 ..... \$ 50,000

17 Sec. \_\_\_\_ There is appropriated from the  
18 environment first fund to the department of  
19 agriculture and land stewardship for the fiscal year  
20 beginning July 1, 2007, and ending June 30, 2008, the  
21 following amount, or so much thereof as is necessary,  
22 to be used for the purpose designated:

23 For the purpose of funding a detailed project  
24 report by the United States army corps of engineers to  
25 study flood prevention improvements to a levee located  
26 in the largest city in a county in this state with a  
27 population between 190,000 and 200,000:

28 ..... \$ 150,000

29 To receive funds pursuant to this section, the city  
30 shall provide local matching moneys on a  
31 dollar-for-dollar basis and shall work to obtain any  
32 available federal funding.

33 Notwithstanding section 8.33, moneys appropriated  
34 in this section that remain unencumbered or  
35 unobligated at the close of the fiscal year shall not  
36 revert but shall remain available for the purposes  
37 designated until the close of the fiscal year that  
38 begins July 1, 2010, or until the project for which  
39 the appropriation was made is completed, whichever is  
40 earlier."

41 32. Page 12, line 26, by inserting after the word  
42 "appropriated" the following: "for the fiscal year  
43 beginning July 1, 2006,".

44 33. Page 13, by striking line 20 and inserting  
45 the following: "fiscal year beginning July 1, 2005,  
46 and ending June 30, 2006".

47 34. By striking page 13, line 27, through page  
48 14, line 11, and inserting the following:

49 "(2) For costs associated with the remodeling of  
50 the records and property center:

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1 ..... \$ 2,200,00

2 (3) For costs associated with the restoration of  
3 the west capitol terrace:

4 ..... \$ 2,300,000

5 (4) For costs to repair parking lots on the  
6 capitol complex:

7 ..... \$ 1,545,000  
8 b. DEPARTMENT OF CORRECTIONS  
9 (1) For construction of a community-based  
10 correctional facility, including district offices, in  
11 Ft. Dodge:  
12 ..... \$ 1,400,000  
13 (2) For the remodeling and renovation of the  
14 kitchen facilities at the Anamosa correctional  
15 facility:  
16 ..... \$ 1,840,000  
17 (3) For the Oakdale expansion one-time equipment  
18 purchases and expenses:  
19 ..... \$ 3,376,519"  
20 35. Page 14, by inserting after line 14 the  
21 following:  
22 "Of the amount appropriated in this lettered  
23 paragraph, \$25,000 shall be used for improvements to  
24 the stone wall at Backbone state park."  
25 36. By striking page 14, line 19, through page  
26 16, line 11, and inserting the following:  
27 "(2) For upgrades to the Camp Dodge water  
28 distribution system:  
29 ..... \$ 750,000  
30 (3) For construction of a national guard aviation  
31 armory in Waterloo:  
32 ..... \$ 399,000  
33 \_\_\_\_ DEPARTMENT OF PUBLIC SAFETY  
34 For construction of an Iowa state patrol post in  
35 district 8:  
36 ..... \$ 2,400,000"  
37 37. Page 16, by striking lines 21 through 23 and  
38 inserting the following: "the close of the fiscal  
39 year that begins July 1, 2006.  
40 Sec.\_\_\_\_ EFFECTIVE DATE. This division of this  
41 Act, being deemed of immediate importance, takes  
42 effect upon enactment."  
43 38. Page 17, line 2, by inserting after the  
44 figure "2005" the following: ", including projects  
45 submitted for review to the technology and  
46 commercialization resources organization created in  
47 this Act, if enacted".  
48 39. Page 17, by striking lines 20 through 22.  
49 40. Page 17, by inserting after line 31 the  
50 following:

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1 "Of the amount appropriated in this lettered  
2 paragraph, funds shall be used for the maintenance of  
3 the exterior windows on the east side of the capitol  
4 building."  
5 41. Page 17, line 33, by inserting after the word

6 "new" the following: "approximately".  
7 42. Page 17, line 35, by striking the figure  
8 "38,485,000" and inserting the following:  
9 "37,585,000".  
10 43. Page 18, by striking lines 4 through 6.  
11 44. Page 18, line 14, by striking the figure  
12 "8,130,668" and inserting the following: "5,030,668".  
13 45. Page 18, by inserting after line 14 the  
14 following:  
15 "\_\_\_\_. For discretion by the director of the  
16 department of administrative services to be used to  
17 purchase property or enter into agreements to purchase  
18 property which would be appropriate or beneficial to  
19 the state:  
20 ..... \$ 500,000"  
21 46. Page 18, line 25, by striking the figure  
22 "1,400,000" and inserting the following: "1,000,000".  
23 47. Page 18, by striking lines 26 through 28 and  
24 inserting the following:  
25 "c. To the sixth judicial district department of  
26 correctional services for the design and construction  
27 of a 20-bed residential facility for offenders under  
28 the supervision of the district department who have  
29 mental health or dual diagnosis needs:  
30 ..... \$ 1,000,000"  
31 48. By striking page 18, line 30, through page  
32 19, line 2, and inserting the following:  
33 "For deposit into the Iowa great places program  
34 fund created in section 303.3D, if enacted in this  
35 Act:  
36 ..... \$ 3,000,000  
37 Of the amount deposited into the Iowa great places  
38 program fund pursuant to this subsection, \$1,000,000  
39 is appropriated for and shall be allocated to each  
40 Iowa great place identified through the Iowa great  
41 places program in fiscal year 2005-2006.  
42 Notwithstanding section 8.33, the amounts appropriated  
43 and allocated pursuant to this paragraph that remain  
44 unencumbered at the close of the fiscal year shall not  
45 revert but shall remain available for expenditure by  
46 the department for the purposes designated in this  
47 paragraph until the close of the succeeding fiscal  
48 year.  
49 \_\_\_\_\_. DEPARTMENT OF ECONOMIC DEVELOPMENT  
50 For accelerated career education program capital

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1 projects at community colleges that are authorized  
2 under chapter 260G and that meet the definition of  
3 "vertical infrastructure" in section 8.57B, subsection  
4 3:

5 ..... \$ 5,500,000

6 The moneys appropriated in this subsection shall be

7 allocated equally among the community colleges in the

8 state. If any portion of the equal allocation to a

9 community college is not obligated or encumbered by

10 April 1, 2007, the unobligated and unencumbered

11 portions shall be available for use by other community

12 colleges."

13 49. Page 19, line 22, by striking the figure

14 "1,635,000" and inserting the following: "1,236,000".

15 50. Page 19, by striking lines 25 through 27, and

16 inserting the following:

17 "d. For allocation to the homeland security and

18 emergency management division for the STARCOMM

19 project:

20 ..... \$ 600,000"

21 51. Page 19, by striking lines 29 through 31 and

22 inserting the following:

23 "For allocation to the division of fire protection

24 for the planning, design, and construction of regional

25 emergency response training centers in the state:

26 ..... \$ 2,000,000

27 Of the amount appropriated in this subsection,

28 \$400,000 shall be allocated to north Iowa area

29 community college.

30 Of the amount appropriated in this subsection,

31 \$400,000 shall be allocated to southeastern Iowa

32 community college.

33 Of the amount appropriated in this subsection,

34 \$400,000 shall be allocated to Des Moines area

35 community college to be used at the Ankeny campus

36 site.

37 Of the amount appropriated in this subsection,

38 \$400,000 shall be allocated to the city of Coralville

39 fire department.

40 Of the amount appropriated in this subsection,

41 \$400,000 shall be allocated to Iowa central community

42 college."

43 52. Page 20, by inserting after line 13 the

44 following:

45 "\_\_\_\_. DEPARTMENT OF TRANSPORTATION

46 a. For infrastructure improvements at general

47 aviation airports within the state:

48 ..... \$ 750,000

49 b. For vertical infrastructure improvements at the

50 commercial air service airports within the state:

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1 ..... \$ 1,500,00

2 Fifty percent of the funds appropriated in this

3 lettered paragraph shall be allocated equally between

4 each commercial service airport, 40 percent of the  
 5 funds shall be allocated based on the percentage that  
 6 the number of enplaned passengers at each commercial  
 7 service airport bears to the total number of enplaned  
 8 passengers in the state during the previous fiscal  
 9 year, and 10 percent of the funds shall be allocated  
 10 based upon the percentage that the air cargo tonnage  
 11 at each commercial service airport bears to the total  
 12 air cargo tonnage in the state during the previous  
 13 fiscal year. In order for a commercial service  
 14 airport to receive funding under this lettered  
 15 paragraph, the airport shall be required to submit  
 16 applications for funding of specific projects to the  
 17 department for approval by the state transportation  
 18 commission.

19 c. For acquiring, constructing, and improving  
 20 recreational trails within the state:  
 21 ..... \$ 2,000,000

22 Of the amount appropriated in this lettered  
 23 paragraph, \$200,000 shall be allocated for trail  
 24 projects in Wapello county.

25 d. For deposit into the public transit  
 26 infrastructure grant fund created in section 324A.6A:  
 27 ..... \$ 2,200,000"

28 53. Page 20, by striking lines 17 through 25.

29 54. Page 21, by inserting after line 26 the  
 30 following:

31 "Sec. \_\_\_\_\_. REPORT. Annually, on or before January  
 32 1 of each year, a state agency that received an  
 33 appropriation from the endowment for Iowa's health  
 34 restricted capitals fund for the preceding fiscal year  
 35 shall report to the joint transportation,  
 36 infrastructure, and capitals appropriation  
 37 subcommittee, the legislative services agency, the  
 38 department of management, and the legislative capital  
 39 projects committee of the legislative council the  
 40 status of all ongoing projects for which an  
 41 appropriation from the fund has been made. The report  
 42 shall include a description of the project, the  
 43 progress of work completed, the total estimated cost  
 44 of the project, a list of all revenue sources being  
 45 used to fund the project, the amount of funds  
 46 expended, the amount of funds obligated, and an  
 47 estimated completion date of the project."

48 55. Page 24, by inserting after line 18 the  
 49 following:

50 "4. Annually, on or before January 1 of each year,

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1 a state agency that received an appropriation from  
 2 this fund for the preceding fiscal year shall report

3 to the joint transportation, infrastructure, and  
 4 capitals appropriation subcommittee, the legislative  
 5 services agency, the department of management, and the  
 6 legislative capital projects committee of the  
 7 legislative council the status of all ongoing projects  
 8 for which an appropriation from this fund has been  
 9 made. The report shall include a description of the  
 10 project, the progress of work completed, the total  
 11 estimated cost of the project, a list of all revenue  
 12 sources being used to fund the project, the amount of  
 13 funds expended, the amount of funds obligated, and an  
 14 estimated completion date of the project."

15 56. Page 25, by inserting after line 15 the  
 16 following:

17 "d. For the purposes of contracting with qualified  
 18 persons outside the department to conduct use  
 19 attainability analyses in conformance with section  
 20 455B.176A, as enacted in 2006 Iowa Acts, Senate File  
 21 2363, if enacted, or in any other Act of the  
 22 Eighty-first General Assembly, 2006 Session:

23 ..... \$ 750,000"

24 57. Page 31, by striking lines 6 through 23.

25 58. Page 31, by inserting after line 25 the  
 26 following:

27 "Sec. \_\_\_\_ Section 8.57, subsection 6, Code 2005,  
 28 is amended by adding the following new paragraph:

29 NEW PARAGRAPH. h. Annually, on or before January  
 30 1 of each year, a state agency that received an  
 31 appropriation from the rebuild Iowa infrastructure  
 32 fund for the preceding fiscal year shall report to the  
 33 joint transportation, infrastructure, and capitals  
 34 appropriation subcommittee, the legislative services  
 35 agency, the department of management, and the  
 36 legislative capital projects committee of the  
 37 legislative council the status of all ongoing projects  
 38 for which an appropriation from the fund has been  
 39 made. The report shall include a description of the  
 40 project, the progress of work completed, the total  
 41 estimated cost of the project, a list of all revenue  
 42 sources being used to fund the project, the amount of  
 43 funds expended, the amount of funds obligated, and an  
 44 estimated completion date of the project.

45 Sec. \_\_\_\_ Section 8.57A, Code 2005, is amended by  
 46 adding the following new subsection:

47 NEW SUBSECTION. 5. Annually, on or before January  
 48 1 of each year, a state agency that received an  
 49 appropriation from the environment first fund for the  
 50 preceding fiscal year shall report to the joint



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1 transportation, infrastructure, and capitals  
2 appropriation subcommittee, the legislative services  
3 agency, the department of management, and the  
4 legislative capital projects committee of the  
5 legislative council the status of all ongoing projects  
6 for which an appropriation from the fund has been  
7 made. The report shall include a description of the  
8 project, the progress of work completed, the total  
9 estimated cost of the project, a list of all revenue  
10 sources being used to fund the project, the amount of  
11 funds expended, the amount of funds obligated, and an  
12 estimated completion date of the project.  
13 Sec.\_\_\_\_. Section 8.57B, Code Supplement 2005, is  
14 amended by adding the following new subsection:  
15 NEW SUBSECTION. 5. Annually, on or before January  
16 1 of each year, a state agency that received an  
17 appropriation from the vertical infrastructure fund  
18 for the preceding fiscal year shall report to the  
19 joint transportation, infrastructure, and capitals  
20 appropriation subcommittee, the legislative services  
21 agency, the department of management, and the  
22 legislative capital projects committee of the  
23 legislative council the status of all ongoing projects  
24 for which an appropriation from the fund has been  
25 made. The report shall include a description of the  
26 project, the progress of work completed, the total  
27 estimated cost of the project, a list of all revenue  
28 sources being used to fund the project, the amount of  
29 funds expended, the amount of funds obligated, and an  
30 estimated completion date of the project.  
31 Sec.\_\_\_\_. Section 8A.321, subsection 10, Code  
32 Supplement 2005, is amended to read as follows:  
33 10. Prepare annual status reports for all ongoing  
34 capital projects of ~~all state agencies, as defined in~~  
35 ~~section 8.3A~~ the department, and submit the status  
36 reports to the ~~legislative capital projects committee~~  
37 joint transportation, infrastructure, and capitals  
38 appropriation subcommittee."  
39 59. Page 32, by inserting after line 21 the  
40 following:  
41 "Sec.\_\_\_\_. Section 12E.12, Code 2005, is amended  
42 by adding the following new subsection:  
43 NEW SUBSECTION. 9. Annually, on or before January  
44 1 of each year, a state agency that received an  
45 appropriation from the tobacco settlement trust fund  
46 for the preceding fiscal year shall report to the  
47 joint transportation, infrastructure, and capitals  
48 appropriation subcommittee, the legislative services  
49 agency, the department of management, and the  
50 legislative capital projects committee of the

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1 legislative council the status of all ongoing projects  
2 for which an appropriation from the fund has been  
3 made. The report shall include a description of the  
4 project, the progress of work completed, the total  
5 estimated cost of the project, a list of all revenue  
6 sources being used to fund the project, the amount of  
7 funds expended, the amount of funds obligated, and an  
8 estimated completion date of the project.

9 Sec. \_\_\_\_ Section 151.1, subsection 2, paragraph  
10 a, Code Supplement 2005, is amended to read as  
11 follows:

12 a. Medical and dental insurance plans. If an  
13 employer offers medical insurance under both single  
14 and family coverage plans, the employer shall be given  
15 credit for providing medical insurance under family  
16 coverage plans to all new employees."

17 60. Page 32, by striking lines 22 through 26.

18 61. Page 32, by striking lines 30 and 31 and  
19 inserting the following:

20 "The state fire marshal, ~~subject to the approval of~~  
21 ~~the state fire service and emergency response council,~~  
22 ~~may shall~~".

23 62. Page 33, by striking lines 5 through 7 and  
24 inserting the following:

25 "The state fire marshal may enter into written  
26 agreements with other".

27 63. Page 33, by striking lines 17 through 19 and  
28 inserting the following: "described in section 100B.6  
29 shall not be greater than the fee schedule established  
30 by rule by the state fire marshal,"

31 64. By striking page 33, line 33, through page  
32 34, line 4.

33 65. By striking page 34, line 26, through page  
34 35, line 19, and inserting the following:

35 "1. Regional emergency response training centers  
36 shall be established to provide training to fire  
37 fighters and other emergency responders. The lead  
38 public agency for the training centers shall be the  
39 following community colleges for the following merged  
40 areas:

41 a. Northeast Iowa community college for merged  
42 area I in partnership with the Dubuque county  
43 firemen's association and to provide advanced training  
44 in agricultural emergency response as such advanced  
45 training is funded by the homeland security and  
46 emergency management division of the department of  
47 public defense.

48 b. North Iowa area community college for merged  
49 area II in partnership with the Mason City fire  
50 department.

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- 1 c. Iowa lakes community college for merged area  
2 III.  
3 d. Iowa central community college for merged area  
4 V and to provide advanced training in homeland  
5 security as such advanced training is funded by the  
6 homeland security and emergency management division of  
7 the department of public defense.  
8 e. Hawkeye community college for merged area VII  
9 in partnership with the Waterloo regional hazardous  
10 materials training center and to provide advanced  
11 training in hazardous materials emergency response as  
12 such advanced training is funded by the homeland  
13 security and emergency management division of the  
14 department of public defense.  
15 f. Eastern Iowa community college for merged area  
16 IX in partnership with the city of Davenport fire  
17 department.  
18 g. Kirkwood community college for merged area X in  
19 partnership with the city of Coralville fire  
20 department and the Iowa City fire department and to  
21 provide advanced training in agricultural terrorism  
22 response and mass casualty and fatality response as  
23 such advanced training is funded by the homeland  
24 security and emergency management division of the  
25 department of public defense.  
26 h. Des Moines area community college for merged  
27 area XI and to provide advanced training in operations  
28 integration in compliance with the national incident  
29 management system as such advanced training is funded  
30 by the homeland security and emergency management  
31 division of the department of public defense.  
32 i. Western Iowa technical community college for  
33 merged area XII in partnership with the Sioux City  
34 fire department and to provide advanced training in  
35 emergency responder communications as such advanced  
36 training is funded by the homeland security and  
37 emergency management division of the department of  
38 public defense.  
39 j. Iowa western community college for merged areas  
40 XIII and XIV in partnership with southwestern  
41 community college and the Council Bluffs fire  
42 department.  
43 k. Southeastern Iowa community college for merged  
44 areas XV and XVI in partnership with Indian hills  
45 community college and the city of Fort Madison fire  
46 department."  
47 66. Page 35, by striking lines 24 through 34 and  
48 inserting the following:  
49 "2. a. A lead public agency listed in subsection  
50 1, paragraphs "a" through "k", shall submit an

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1 application to the bureau in order to be eligible to  
2 receive a state appropriation for the agency's  
3 training center. The bureau shall prescribe the form  
4 of the application and, on or before August 15, 2006,  
5 shall provide such application to each lead public  
6 agency.

7 b. An applicant lead public agency".

8 67. Page 36, line 1, by inserting after the word  
9 "center." the following: "An applicant shall also  
10 include on the application the location of any  
11 existing facilities required in section 100B.17 and  
12 located in the training region."

13 68. Page 36, by striking lines 6 through 10 and  
14 inserting the following:

15 "c. By January 10 of each year, the bureau shall  
16 submit to the general assembly a list of applications  
17 received and the action taken by the bureau on each  
18 application. The bureau shall,"

19 69. Page 36, line 14, by inserting after the word  
20 "applicant" the following: "lead".

21 70. Page 36, by inserting after line 30 the  
22 following:

23 "4. Applications must be submitted to the bureau  
24 by September 15, 2006, in order for a training center  
25 to be eligible to receive state funds in the fiscal  
26 year beginning July 1, 2006, if funds are appropriated  
27 to that training center for that fiscal year. The  
28 bureau shall review and approve an application and, if  
29 approved, distribute funds appropriated for that  
30 training center within thirty days of receiving the  
31 application from the applicant. State funds that have  
32 been appropriated for use by a specified training  
33 center shall be distributed to that training center as  
34 soon as possible after the bureau approves such  
35 training center's application.

36 5. The application shall list the training  
37 facilities to be required in order for a training  
38 center to provide training to fire fighters and other  
39 emergency responders. If a lead agency or a partner  
40 of a lead agency already owns or utilizes a required  
41 training facility, that facility shall not be  
42 duplicated when constructing the required training  
43 facilities listed on the application."

44 71. Page 36, by striking lines 31 through 34 and  
45 inserting the following:

46 "6. The state fire marshal may adopt".  
47 administrative rules under section 17A.4, subsection  
48 2, and section 17A.5, subsection 2, paragraph "b", to  
49 administer this section."

50 72. By striking page 36, line 35, through page

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1 37, line 17, and inserting the following:

2 "Sec. \_\_\_. NEW SECTION. 100B.17 TRAINING CENTER  
3 FACILITIES – ADVANCED TRAINING – INSPECTIONS.

4 1. Each training center is required to have the  
5 facilities listed on the application in section  
6 100B.16. In addition, each".

7 73. Page 37, line 25, by striking the figure "3."  
8 and inserting the following: "2."

9 74. Page 37, by striking lines 33 through 35 and  
10 inserting the following: "materials, curriculum,  
11 training aids, and training schedule."

12 75. Page 38, by inserting after line 23 the  
13 following:

14 "Sec. \_\_\_. NEW SECTION. 262B.21 RESEARCH AND  
15 DEVELOPMENT PLATFORMS.

16 1. For purposes of this section, and sections  
17 262B.22 and 262B.23, "core platform areas" means the  
18 areas of advanced manufacturing, biosciences,  
19 information solutions, and financial services.

20 2. The state board of regents shall do all of the  
21 following:

22 a. Recruit employees, build capacity, and invest  
23 moneys to ensure rapid scientific progress in the core  
24 platform areas.

25 b. Create endowed chair positions and employ  
26 persons with entrepreneurial expertise.

27 c. Invest in technology development infrastructure  
28 to strengthen and accelerate the scientific and  
29 commercialization work in the core platform areas.

30 d. Provide financial assistance in the form of  
31 grants for purposes of accelerating the transformation  
32 of new and ongoing research and development  
33 initiatives in the core platform areas into commercial  
34 opportunities.

35 e. Actively participate in advisory groups  
36 dedicated to the areas of bioscience advanced  
37 manufacturing, and information solutions.

38 Sec. \_\_\_. NEW SECTION. 262B.22 TECHNOLOGY AND  
39 COMMERCIALIZATION RESOURCE ORGANIZATION.

40 1. The general assembly finds and declares that  
41 the public good requires that Iowa successfully  
42 participate and compete in the emerging world economy.  
43 A technology and commercialization resource  
44 organization is established to formulate and implement  
45 plans and programs for the core platform areas and to  
46 facilitate their commercial application within the  
47 state.

48 2. The technology and commercialization resource  
49 organization shall receive recommendations for  
50 research projects which have commercialization

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1 potential from institutions of higher learning under  
2 the control of the state board of regents. In  
3 cooperation with commercialization experts in the  
4 private sector, the organization shall analyze  
5 research project submissions and make recommendations  
6 regarding which projects should receive funding and  
7 how much funding such projects should receive. The  
8 recommendations of the organization shall be forwarded  
9 to the state board of regents. The state board of  
10 regents shall review the recommendations and may  
11 approve, deny, or modify the recommendations, but the  
12 state board of regents shall not change the primary  
13 focus of the proposal. The state board of regents may  
14 award financial assistance to approved research  
15 projects.

16 3. A technology and commercialization resource  
17 organization shall be incorporated under chapter 504.  
18 The organization shall not be regarded as a state  
19 agency, except for purposes of chapter 17A. A member  
20 of the board of directors is not considered a state  
21 employee, except for purposes of chapter 669. A  
22 natural person employed by the organization is a state  
23 employee for purposes of the Iowa public employees'  
24 retirement system, state health and dental plans, and  
25 other state employee benefit plans and chapter 669.  
26 Chapters 8, 8A, and 20, and other provisions of law  
27 that relate to requirements or restrictions dealing  
28 with state personnel or state funds, do not apply to  
29 the organization or any employees of the board of  
30 directors or the organization except to the extent  
31 provided in this chapter.

32 4. The board of directors of the organization  
33 shall consist of eight voting members as follows:  
34 a. The president of the state board of regents.  
35 b. The three members of the economic development  
36 subcommittee of the state board of regents.  
37 c. The chief technology officer of the state.  
38 d. One member selected by a biosciences  
39 development organization designated by the department  
40 of economic development pursuant to section 15G.111,  
41 subsection 2.  
42 e. The chairperson of the advanced manufacturing  
43 steering group of the department of economic  
44 development.  
45 f. The chairperson of the information solutions  
46 steering group of the department of economic  
47 development.

48 5. The members of the board of directors shall  
49 annually elect a president of the board from the board  
50 membership. A vacancy shall be filled by the

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1 appointing authority. Members are eligible for actual  
2 expense reimbursement while fulfilling duties of the  
3 board.  
4 Sec.\_\_\_\_. NEW SECTION. 262B.23 ENDOWED CHAIRS  
5 AND SALARIES.  
6 The state board of regents may use for salaries and  
7 may create endowed chair positions at each of the  
8 regents universities using, in part, moneys  
9 appropriated to the state board of regents for  
10 purposes of implementing recommendations provided in  
11 separate consultant reports on bioscience, advanced  
12 manufacturing, and information technology submitted to  
13 the department of economic development in the calendar  
14 years 2004 and 2005. Such moneys may only be used to  
15 partially fund an endowed chair position if  
16 significant private contributions and contributions  
17 from governmental entities other than the state and  
18 political subdivisions of the state are used to fund  
19 the position. Not more than fifty percent of the cost  
20 of funding an endowed chair position shall be paid  
21 with such moneys. The endowed chair positions shall  
22 be used to attract scholars recruited nationally and  
23 internationally who can bring with them related  
24 start-up business ventures or a concept for near-term  
25 commercialization.  
26 Sec.\_\_\_\_. Section 303.3C, subsection 1, paragraph  
27 c, Code Supplement 2005, is amended to read as  
28 follows:  
29 c. Initially, three Iowa great places projects  
30 shall be identified by the Iowa great places board.  
31 ~~Two years after the third project is identified by the~~  
32 ~~board, the~~ The board may identify up to six additional  
33 Iowa great places for participation under the program.  
34 Sec.\_\_\_\_. Section 303.3C, subsection 1, Code  
35 Supplement 2005, is amended by adding the following  
36 new paragraphs:  
37 NEW PARAGRAPH. d. The department of cultural  
38 affairs shall work in cooperation with the vision Iowa  
39 and community attraction and tourism programs for  
40 purposes of maximizing and leveraging moneys  
41 appropriated to identified Iowa great places.  
42 NEW PARAGRAPH. e. As a condition of receiving  
43 state funds, an identified Iowa great place shall  
44 present information to the board concerning the  
45 proposed activities and total financial needs of the  
46 project.  
47 NEW PARAGRAPH. f. The department of cultural  
48 affairs shall account for any funds appropriated from  
49 the endowment for Iowa health restricted capitals fund  
50 for an identified Iowa great place.

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1    Sec.\_\_\_\_ Section 303.3C, subsection 3, paragraph  
2    b, Code Supplement 2005, is amended to read as  
3 follows:  
4    b. Identify ~~three~~ Iowa great places for purposes  
5 of receiving a package of resources under the program.  
6    Sec.\_\_\_\_. NEW SECTION. 303.3D IOWA GREAT PLACES  
7 PROGRAM FUND.  
8    1. An Iowa great places program fund is created  
9 under the authority of the department of cultural  
10 affairs. The fund shall consist of appropriations  
11 made to the fund and transfers of interest, earnings,  
12 and moneys from other funds as provided by law.  
13 Notwithstanding section 12C.7, subsection 2, interest  
14 or earnings on investments or time deposits of the  
15 moneys in the Iowa great places program fund shall be  
16 credited to the Iowa great places program fund.  
17    2. Moneys appropriated for a fiscal year to the  
18 fund shall be used by the general assembly to fund  
19 capital infrastructure projects for identified Iowa  
20 great places through the Iowa great places program  
21 established in section 303.3C.  
22    3. In awarding moneys the department of cultural  
23 affairs shall give consideration to the particular  
24 needs of each identified Iowa great place.  
25    4. Notwithstanding section 8.33, moneys credited  
26 to the great places program fund shall not revert to  
27 the fund from which appropriated.  
28    Sec.\_\_\_\_. NEW SECTION. 324A.6A PUBLIC TRANSIT  
29 INFRASTRUCTURE GRANT FUND.  
30    A public transit infrastructure grant fund is  
31 established within the department. Moneys in the fund  
32 shall be awarded to public transit systems within the  
33 state for construction and infrastructure projects  
34 that meet the definition of "vertical infrastructure"  
35 in section 8.57, subsection 6, paragraph "c". The  
36 fund shall consist of appropriations made to the fund  
37 and transfers of interest, earnings, and moneys from  
38 other funds as provided by law. In awarding grant  
39 assistance, the office of public transit within the  
40 department shall, by rule, specify certain criteria  
41 that must be included in a grant application, which  
42 shall include but not be limited to information on the  
43 feasibility of completion of an individual  
44 infrastructure project. Notwithstanding section 8.33,  
45 moneys in the public transit infrastructure grant fund  
46 shall not revert to the fund from which they are  
47 appropriated but shall remain available indefinitely  
48 for expenditure under this section.  
49    Sec.\_\_\_\_. Section 328.36, Code 2005, is amended by  
50 striking the section and inserting in lieu thereof the



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1 following:

2 328.36 DEPOSIT AND USE OF REVENUES.

3 1. All moneys received by the department pursuant  
4 to section 328.21 shall be deposited into the state  
5 aviation fund in section 328.56.

6 2. Notwithstanding subsection 1, for the fiscal  
7 year beginning July 1, 2007, and ending June 30, 2008,  
8 fifty percent of the moneys collected under section  
9 328.21 shall be deposited in the state aviation fund  
10 in section 328.56 and fifty percent shall be deposited  
11 in the general fund of the state.

12 Sec.\_\_\_\_. NEW SECTION. 328.56 STATE AVIATION  
13 FUND.

14 1. A state aviation fund is created under the  
15 authority of the department. The fund shall consist  
16 of moneys deposited in the fund pursuant to sections  
17 328.21 and 452A.82 and other moneys appropriated to  
18 the fund.

19 2. Moneys in the fund in a fiscal year shall be  
20 used as appropriated by the general assembly for  
21 airport engineering studies, construction or  
22 improvements, and the windsock program for public  
23 airports. In awarding moneys, the department shall  
24 give preference to projects that demonstrate a  
25 collaborative effort between airports.

26 Sec.\_\_\_\_. Section 422.34A, Code 2005, is amended  
27 by adding the following new subsection:

28 NEW SUBSECTION. 8. Utilizing a distribution  
29 facility within this state, owning or leasing property  
30 at a distribution facility within this state that is  
31 used at or distributed from the distribution facility,  
32 or selling property shipped or distributed from a  
33 distribution facility. For purposes of this  
34 subsection, "distribution facility" means an  
35 establishment where shipments of tangible personal  
36 property are processed for delivery to customers.  
37 "Distribution facility" does not include an  
38 establishment where retail sales of tangible personal  
39 property or returns of such property are undertaken  
40 with respect to retail customers on more than twelve  
41 days a year except for a distribution facility which  
42 processes customer sales orders by mail, telephone, or  
43 electronic means, if the distribution facility also  
44 processes shipments of tangible personal property to  
45 customers provided that not more than ten percent of  
46 the dollar amount of goods are delivered and shipped  
47 so as to be included in the gross sales of the  
48 corporation within this state as provided in section  
49 422.33, subsection 2, paragraph "b", subparagraph (6).

50 Sec.\_\_\_\_. Section 452A.79, Code Supplement 2005,

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1 is amended by striking the section and inserting in  
2 lieu thereof the following:

3 452A.79 USE OF REVENUE.

4 Except as provided in sections 452A.79A, 452A.82,  
5 and 452A.84, the net proceeds of the excise tax on the  
6 diesel special fuel and the excise tax on motor fuel  
7 and other special fuel, and penalties collected under  
8 the provision of this chapter, shall be credited to  
9 the road use tax fund.

10 Sec.\_\_\_\_. NEW SECTION. 452A.79A MARINE FUEL TAX  
11 FUND.

12 1. A marine fuel tax fund is created under the  
13 authority of the department of natural resources. The  
14 fund shall consist of all revenues derived from the  
15 excise tax on the sale of motor fuel used in  
16 watercraft as provided in section 452A.84 and other  
17 moneys appropriated to the fund.

18 2. Moneys in the fund in a fiscal year shall be  
19 used as appropriated by the general assembly for use  
20 by the department of natural resources in its  
21 recreational boating program, which may include but is  
22 not limited to:

23 a. Dredging and renovation of lakes of this state.

24 b. Acquisition, development, and maintenance of  
25 access to public boating waters.

26 c. Development and maintenance of boating  
27 facilities and navigation aids.

28 d. Administration, operation, and maintenance of  
29 recreational boating activities of the department of  
30 natural resources.

31 e. Acquisition, development, and maintenance of  
32 recreation facilities associated with recreational  
33 boating.

34 Sec.\_\_\_\_. Section 452A.82, Code 2005, is amended  
35 to read as follows:

36 452A.82 AVIATION FUEL TAX FUND.

37 The portion of the moneys collected under this  
38 chapter received on account of aviation gasoline and  
39 special fuel used in aircraft shall be deposited in a  
40 separate fund to be maintained by the treasurer. All  
41 moneys remaining in the separate fund after the cost  
42 of administering the fund has been paid shall be  
43 credited to the ~~general fund of the state~~ aviation  
44 fund created in section 328.56.

45 Sec.\_\_\_\_. Section 452A.84, Code 2005, is amended  
46 to read as follows:

47 452A.84 ~~TRANSFER TO STATE GENERAL~~ MARINE FUEL TAX  
48 FUND.

49 The treasurer of state shall transfer from the  
50 motor fuel tax fund to the ~~general~~ marine fuel tax

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1 fund ~~of the state~~ that portion of moneys collected  
2 under this chapter attributable to motor fuel used in  
3 watercraft computed as follows:  
4 1. Determine monthly the total amount of motor  
5 fuel tax collected under this chapter and multiply the  
6 amount by nine-tenths of one percent.  
7 2. Subtract from the figure computed pursuant to  
8 subsection 1 of this section three percent of the  
9 figure for administrative costs and further subtract  
10 from the figure the amounts refunded to commercial  
11 fishers pursuant to section 452A.17, subsection 1,  
12 paragraph "a", subparagraph (7). All moneys remaining  
13 after claims for refund and the cost of administration  
14 have been made shall be transferred to the ~~general~~  
15 marine fuel tax fund of the state."  
16 76. By striking page 38, line 24, through page  
17 41, line 10.  
18 77. Page 41, by inserting after line 10 the  
19 following:  
20 "Sec. \_\_\_. 2006 Iowa Acts, [Senate File 2363](#),  
21 section 5, if enacted, is amended by striking the  
22 section and inserting in lieu thereof the following:  
23 SEC. 5. NEW SECTION. 16.134 WASTEWATER TREATMENT  
24 FINANCIAL ASSISTANCE PROGRAM.  
25 1. The Iowa finance authority shall establish and  
26 administer a wastewater treatment financial assistance  
27 program. The purpose of the program shall be to  
28 provide grants to enhance water quality and to assist  
29 communities to comply with water quality standards  
30 adopted by the department of natural resources. The  
31 program shall be administered in accordance with rules  
32 adopted by the authority pursuant to chapter 17A.  
33 2. A wastewater treatment financial assistance  
34 fund is created under the authority of the Iowa  
35 finance authority. The fund shall consist of  
36 appropriations made to the fund and transfers of  
37 interest, earnings, and moneys from other funds as  
38 provided by law. Moneys in the fund are not subject  
39 to section 8.33. Notwithstanding section 12C.7,  
40 subsection 2, interest or earnings on moneys in the  
41 fund shall be credited to the fund.  
42 3. Financial assistance under the program shall be  
43 used to install or upgrade wastewater treatment  
44 facilities and systems, and for engineering or  
45 technical assistance for facility planning and design.  
46 4. The authority shall distribute financial  
47 assistance in the fund in accordance with the  
48 following:  
49 a. Communities shall be eligible for financial  
50 assistance by qualifying as a disadvantaged community

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1 and seeking financial assistance for the installation  
2 or upgrade of wastewater treatment facilities due to  
3 regulatory activity in response to water quality  
4 standards adopted by the department of natural  
5 resources in calendar year 2006. For purposes of this  
6 section, the term "disadvantaged community" means the  
7 same as defined by the department of natural resources  
8 for the drinking water facilities revolving loan fund  
9 established in section 455B.295. Communities with a  
10 population of three thousand or more do not qualify  
11 for financial assistance under the program.  
12 b. Priority shall be given to projects in which  
13 the financial assistance is used to obtain financing  
14 under the Iowa water pollution control works and  
15 drinking water facilities financing program pursuant  
16 to section 16.131 or other federal or state financing.  
17 c. Priority shall also be given to projects whose  
18 completion will provide significant improvement to  
19 water quality in the relevant watershed.  
20 d. A community meeting the criteria of paragraph  
21 "a" shall be required to provide matching moneys in  
22 accordance with the following:  
23 (1) Unsewered incorporated communities with a  
24 population of less than five hundred and communities  
25 with a population of less than five hundred shall be  
26 required to provide a five percent match.  
27 (2) Communities with a population of five hundred  
28 or more but less than one thousand shall be required  
29 to provide a ten percent match.  
30 (3) Communities with a population of one thousand  
31 or more but less than one thousand five hundred shall  
32 be required to provide a twenty percent match.  
33 (4) Communities with a population of one thousand  
34 five hundred or more but less than two thousand shall  
35 be required to provide a thirty percent match.  
36 (5) Communities with a population of two thousand  
37 or more but less than three thousand shall be required  
38 to provide a forty percent match.  
39 e. Financial assistance in the form of grants  
40 shall be issued on a quarterly basis.  
41 5. The authority in cooperation with the  
42 department of natural resources shall share  
43 information and resources when determining the  
44 qualifications of a community for financial assistance  
45 from the fund.  
46 6. The authority may use an amount of not more  
47 than four percent of any moneys appropriated for  
48 deposit in the fund for administration purposes.  
49 7. It is the intent of the general assembly that  
50 for the fiscal period beginning July 1, 2007, and

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1 ending June 30, 2016, a minimum of four million  
2 dollars shall be appropriated each fiscal year to the  
3 authority for deposit in the wastewater treatment  
4 financial assistance fund."

5 78. Page 41, by striking lines 11 through 29 and  
6 inserting the following:

7 "Sec.\_\_\_\_. STUDY OF EMERGENCY SERVICES IN THE  
8 STATE. The legislative council is requested to  
9 establish a committee to study emergency services in  
10 the state during the 2006 legislative interim.

11 The interim committee is directed to receive input  
12 from the department of public defense, division of  
13 homeland security and emergency management,  
14 departments of human services, public health, and  
15 public safety, including the state fire marshal, and  
16 representatives of emergency services providers,  
17 including but not limited to the Iowa firemen's  
18 association, Iowa fire chiefs association, Iowa  
19 association of professional fire chiefs, and Iowa  
20 professional fire fighters, Iowa emergency medical  
21 services association, and emergency room physicians.

22 The interim committee is directed to expeditiously  
23 complete its study and issue findings and make  
24 recommendations regarding the governance, structure,  
25 and funding of the state's emergency services and the  
26 training available in the state for emergency services  
27 providers for consideration during the 2007  
28 legislative session."

29 79. Page 41, by inserting before line 30 the  
30 following:

31 "Sec.\_\_\_\_. AVIATION FUEL TAX FUND – GENERAL FUND  
32 CREDIT. Notwithstanding section 452A.82, for the  
33 fiscal year beginning July 1, 2007, 50 percent of the  
34 moneys remaining after the cost of administering the  
35 aviation fuel tax fund shall be credited to the  
36 general fund.

37 Sec.\_\_\_\_. EFFECTIVE DATES AND RETROACTIVE  
38 APPLICABILITY.

39 1. The section of this division of this Act  
40 enacting section 422.34A, subsection 8, being deemed  
41 of immediate importance, takes effect upon enactment  
42 and applies retroactively to January 1, 2006, for tax  
43 years beginning on or after that date.

44 2. The sections of this division of this Act  
45 amending sections 328.36, 452A.79, 452A.82, and  
46 452A.84 and enacting sections 328.56 and 452A.79A,  
47 relating to a state aviation fund and a marine fuel  
48 tax fund, take effect July 1, 2007."

49 80. Page 41, by inserting before line 30 the  
50 following:

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1 "Sec.\_\_\_\_. EFFECTIVE DATE. The sections of this  
 2 division of this Act amending sections 100B.3, 100B.4,  
 3 and 100B.7, and enacting sections 100B.15 through  
 4 100B.19, being deemed of immediate importance, take  
 5 effect upon enactment."

6 81. Page 41, by inserting before line 30 the  
 7 following:

8 "DIVISION

9 MISCELLANEOUS APPROPRIATIONS

10 Sec.\_\_\_\_. WASTEWATER TREATMENT FINANCIAL  
 11 ASSISTANCE FUND – IOWA FINANCE AUTHORITY. There is  
 12 appropriated from any interest or earnings on moneys  
 13 in the federal economic stimulus and jobs holding  
 14 account to the Iowa finance authority for deposit in  
 15 the wastewater treatment financial assistance fund  
 16 created in section 16.134, the following amount:

17 ..... \$ 4,000,000

18 Sec.\_\_\_\_. RESOURCE CONSERVATION AND DEVELOPMENT

19 PROJECTS – DEPARTMENT OF NATURAL RESOURCES. There is  
 20 appropriated from any interest or earnings on moneys  
 21 in the federal economic stimulus and jobs holding  
 22 account to the department of natural resources for the  
 23 development of projects relating to natural  
 24 resource-based business opportunities, the following  
 25 amount:

26 ..... \$ 300,000

27 Local resource conservation and development groups  
 28 sponsored by county governments or sponsored by soil  
 29 and water conservation districts shall be eligible to  
 30 receive funding on the condition that such groups  
 31 receive dollar-for-dollar funding.

32 DIVISION

33 UTILITIES BOARD AND CONSUMER ADVOCATE BUILDING PROJECT

34 Sec.\_\_\_\_. NEW SECTION. 12.91 UTILITIES BOARD AND  
 35 CONSUMER ADVOCATE BUILDING PROJECT.

36 1. For purposes of this section:

37 a. "Bonds" means bonds, notes, or other evidences  
 38 of indebtedness issued under this section.

39 b. "Chargeable expenses" means expenses charged by  
 40 the utilities board and the consumer advocate division  
 41 of the department of justice under section 476.10.

42 c. "Chargeable expenses fund" means the fund  
 43 created in the state treasury under this section.

44 d. "Project" means a building and related  
 45 improvements and furnishings authorized under section  
 46 476.10B.

47 2. The treasurer of state may issue bonds and do  
 48 all things necessary in order to finance the costs of  
 49 the project. The treasurer of state shall have all of  
 50 the powers which are necessary to issue and secure

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1 bonds to provide the financing for the project. The  
2 treasurer of state may issue bonds in principal  
3 amounts which, in the opinion of the treasurer, are  
4 necessary to provide sufficient funds for the costs of  
5 the project, the payment of interest on the bonds, the  
6 establishment of reserves to secure the bonds, the  
7 costs of issuance of the bonds, other expenditures of  
8 the treasurer of state incident to and necessary or  
9 convenient to carry out the bond issue, and all other  
10 expenditures of the utilities board and the department  
11 of administrative services in connection with the  
12 construction of the project. The bonds are investment  
13 securities and negotiable instruments within the  
14 meaning of and for purposes of the Iowa uniform  
15 commercial code, chapter 554.

16 3. Bonds issued under this section are payable  
17 solely and only out of the moneys, assets, or revenues  
18 of the chargeable expenses fund and any bond reserve  
19 funds established pursuant to this section, all of  
20 which may be held by the treasurer of state or  
21 deposited with trustees or depositories in accordance  
22 with bond or security documents and pledged by the  
23 treasurer of state to the payment thereof. Bonds  
24 issued under this section shall contain a statement  
25 that the bonds do not constitute an indebtedness of  
26 the state. The treasurer of state shall not pledge  
27 the credit or taxing power of this state or any  
28 political subdivision of this state or make bonds  
29 issued pursuant to this section payable out of any  
30 moneys except those in the chargeable expenses fund  
31 and any bond reserve funds established pursuant to  
32 this section.

33 4. The proceeds of bonds issued by the treasurer  
34 of state and not required for immediate disbursement  
35 may be deposited with a trustee or depository as  
36 provided in the bond documents and invested or  
37 reinvested in any investment as directed by the  
38 treasurer of state and specified in the trust  
39 indenture, resolution, or other instrument pursuant to  
40 which the bonds are issued without regard to any  
41 limitation otherwise provided by law.

42 5. The bonds shall be:

- 43 a. In a form, issued in denominations, executed in  
44 a manner, and payable over terms and with rights of  
45 redemption, and be subject to such other terms and  
46 conditions as prescribed in the trust indenture,  
47 resolution, or other instrument authorizing their  
48 issuance.
- 49 b. Negotiable instruments under the laws of the  
50 state and may be sold at prices, at public or private

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1 sale, and in a manner, as prescribed by the treasurer  
2 of state. Chapters 73A, 74, 74A, and 75 do not apply  
3 to the sale or issuance of the bonds.

4 c. Subject to the terms, conditions, and covenants  
5 providing for the payment of the principal, redemption  
6 premiums, if any, interest, and other terms,  
7 conditions, covenants, and protective provisions  
8 safeguarding payment, not inconsistent with this  
9 section and as determined by the trust indenture,  
10 resolution, or other instrument authorizing their  
11 issuance.

12 6. The bonds are securities in which public  
13 officers and bodies of this state; political  
14 subdivisions of this state; insurance companies and  
15 associations and other persons carrying on an  
16 insurance business; banks, trust companies, savings  
17 associations, savings and loan associations, and  
18 investment companies; administrators, guardians,  
19 executors, trustees, and other fiduciaries; and other  
20 persons authorized to invest in bonds or other  
21 obligations of the state, may properly and legally  
22 invest funds, including capital, in their control or  
23 belonging to them.

24 7. Bonds must be authorized by a trust indenture,  
25 resolution, or other instrument of the treasurer of  
26 state.

27 8. Neither the resolution, trust agreement, nor  
28 any other instrument by which a pledge is created  
29 needs to be recorded or filed under the Iowa uniform  
30 commercial code, chapter 554, to be valid, binding, or  
31 effective.

32 9. Bonds issued under the provisions of this  
33 section are declared to be issued for a general public  
34 and governmental purpose and all bonds issued under  
35 this section shall be exempt from taxation by the  
36 state of Iowa and the interest on the bonds shall be  
37 exempt from the state income tax and the state  
38 inheritance and estate tax.

39 10. Subject to the terms of any bond documents,  
40 moneys in the chargeable expenses fund may be expended  
41 for administration expenses of the treasurer of state  
42 in connection with the bonds.

43 11. The treasurer of state may issue bonds for the  
44 purpose of refunding any bonds issued pursuant to this  
45 section then outstanding, including the payment of any  
46 redemption premiums thereon and any interest accrued  
47 or to accrue to the date of redemption of the  
48 outstanding bonds. Until the proceeds of bonds issued  
49 for the purpose of refunding outstanding bonds are  
50 applied to the purchase or retirement of outstanding



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1 bonds or the redemption of outstanding bonds, the  
2 proceeds may be placed in escrow and be invested and  
3 reinvested in accordance with the provisions of this  
4 section. The interest, income, and profits earned or  
5 realized on an investment may also be applied to the  
6 payment of the outstanding bonds to be refunded by  
7 purchase, retirement, or redemption. After the terms  
8 of the escrow have been fully satisfied and carried  
9 out, any balance of proceeds and interest earned or  
10 realized on the investments may be returned to the  
11 treasurer of state for deposit in the chargeable  
12 expenses fund unless all bonds issued under the  
13 provisions of this section have been retired in which  
14 case the proceeds shall be deposited in the general  
15 fund of the state. All refunding bonds shall be  
16 issued and secured and subject to the provisions of  
17 this chapter in the same manner and to the same extent  
18 as other bonds issued pursuant to this section.

19 12. A chargeable expenses fund is created and  
20 established as a separate and distinct fund in the  
21 state treasury. The moneys in the fund are  
22 appropriated for payment of the principal of, premium,  
23 and interest on any bonds issued under this section.  
24 Moneys in the fund shall not be subject to  
25 appropriation for any other purpose by the general  
26 assembly, but shall be used only for the purposes of  
27 the chargeable expenses fund. The treasurer of state  
28 shall act as custodian of the fund and disburse moneys  
29 contained in the fund for payment of the principal of,  
30 premium, and interest on any bonds issued under this  
31 section. Notwithstanding section 476.10, there shall  
32 in each fiscal year be deposited in the chargeable  
33 expenses fund from amounts collected by the utilities  
34 board as chargeable expenses an amount equal to the  
35 principal of, premium, if any, and interest on any  
36 bonds issued under this section to become due, whether  
37 at maturity, by call for optional redemption or by  
38 sinking fund redemption, in such fiscal year. The  
39 treasurer of state is authorized to pledge any amounts  
40 in the chargeable expenses fund as security for the  
41 payment of the principal of, premium, and interest on  
42 any bonds issued under this section. The treasurer of  
43 state may provide in the trust indenture, resolution,  
44 or other instrument authorizing the issuance of bonds  
45 for the transfer to the general fund of the state of  
46 any amounts on deposit in the chargeable expenses fund  
47 that are not necessary for the payment of the  
48 principal of, premium, and interest on any bonds  
49 issued under this section.

50 13. Moneys in the chargeable expenses fund are not

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1 subject to section 8.33. Notwithstanding section  
2 12C.7, subsection 2, interest or earnings on moneys in  
3 the fund shall be credited to the fund.

4 14. a. The treasurer of state may create and  
5 establish one or more special funds, to be known as  
6 "bond reserve funds", to secure one or more issues of  
7 bonds issued pursuant to this section. The treasurer  
8 of state shall pay into each bond reserve fund any  
9 moneys appropriated and made available by the state or  
10 the treasurer of state for the purpose of the fund,  
11 any proceeds of sale of bonds to the extent provided  
12 in the resolutions authorizing their issuance, and any  
13 other moneys which may be available to the treasurer  
14 of state for the purpose of the fund from any other  
15 sources. All moneys held in a bond reserve fund,  
16 except as otherwise provided in this chapter, shall be  
17 used as required solely for the payment of the  
18 principal of bonds secured in whole or in part by the  
19 fund or of the sinking fund payments with respect to  
20 the bonds, the purchase or redemption of the bonds,  
21 the payment of interest on the bonds, or the payments  
22 of any redemption premium required to be paid when the  
23 bonds are redeemed prior to maturity.

24 b. Moneys in a bond reserve fund shall not be  
25 withdrawn from it at any time in an amount that will  
26 reduce the amount of the fund to less than the bond  
27 reserve fund requirement established for the fund, as  
28 provided in this subsection, except for the purpose of  
29 making, with respect to bonds secured in whole or in  
30 part by the fund, payment when due of principal,  
31 interest, redemption premiums, and the sinking fund  
32 payments with respect to the bonds for the payment of  
33 which other moneys of the treasurer of state are not  
34 available. Any income or interest earned by, or  
35 incremental to, a bond reserve fund due to the  
36 investment of it may be transferred by the treasurer  
37 of state to other funds or accounts to the extent the  
38 transfer does not reduce the amount of that bond  
39 reserve fund below the bond reserve fund requirement  
40 for that bond reserve fund. For the purposes of this  
41 subsection, the term "bond reserve fund requirement"  
42 means, as of any particular date of computation, an  
43 amount of money, as provided in the resolutions  
44 authorizing the bonds with respect to which the fund  
45 is established.

46 c. The treasurer of state shall comply with the  
47 provisions of section 476.10B in order to assure the  
48 maintenance of any bond reserve funds established  
49 under this section.

50 15. It is the intent of the general assembly that

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1 a pledge made in respect of bonds issued under this  
2 section shall be valid and binding from the time the  
3 pledge is made, that the money or property so pledged  
4 and received after the pledge by the treasurer of  
5 state shall immediately be subject to the lien of the  
6 pledge without physical delivery or further act, and  
7 that the lien of the pledge shall be valid and binding  
8 as against all parties having claims of any kind in  
9 tort, contract, or otherwise against the treasurer of  
10 state whether or not the parties have notice of the  
11 lien.

12 16. Bonds issued pursuant to this section are not  
13 debts of the state, or of any political subdivision of  
14 the state, and do not constitute a pledge of the faith  
15 and credit of the state or a charge against the  
16 general credit or general fund of the state. The  
17 issuance of any bonds pursuant to this section by the  
18 treasurer of state does not directly, indirectly, or  
19 contingently obligate the state or a political  
20 subdivision of the state to apply moneys from, or to  
21 levy or pledge any form of taxation whatever, to the  
22 payment of the bonds. Bonds issued under this section  
23 are payable solely and only from the sources and  
24 special fund provided in this section.

25 17. This section, being necessary for the welfare  
26 of this state and its inhabitants, shall be liberally  
27 construed to effect its purposes.

28 Sec.\_\_\_\_. Section 422.7, Code Supplement 2005, is  
29 amended by adding the following new subsection:

30 NEW SUBSECTION. 45. Subtract, to the extent  
31 included, income from interest and earnings received  
32 from the bonds issued under section 12.91.

33 Sec.\_\_\_\_. FISCAL YEAR 2005-2006 EXPENDITURE  
34 AUTHORITY – BUILDING PROJECT. Notwithstanding  
35 sections 8.33 and 476.10 or any other provision to the  
36 contrary, any balance of the operational appropriation  
37 for the utilities board for the fiscal year beginning  
38 July 1, 2005, that remains unused, unencumbered, or  
39 unobligated at the close of the fiscal year shall not  
40 revert but shall remain available to be used for  
41 purposes of the energy-efficient building project  
42 authorized under section 476.10B, as enacted by this  
43 division of this Act, or for relocation costs in  
44 succeeding fiscal years.

45 Sec.\_\_\_\_. NEW SECTION. 476.10B ENERGY-EFFICIENT  
46 BUILDING.

47 1. For the purposes of this section, "building  
48 project expenses" means expenses that have been  
49 approved by the utilities board for the building and  
50 related improvements and furnishings developed under

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1 this section and that are considered part of the  
2 regulatory expenses charged by the utilities board and  
3 the consumer advocate division of the department of  
4 justice for carrying out duties under section 476.10.

5 2. The department of administrative services, in  
6 consultation with the board and the consumer advocate  
7 division of the department of justice, shall provide  
8 for the construction of a building to house the board  
9 and the division. A building developed under this  
10 subsection shall be a model energy-efficient building  
11 that may be used as a public example for similar  
12 efforts. The building shall comply with the life  
13 cycle cost provisions developed pursuant to section  
14 72.5. The building shall be located on the capitol  
15 complex grounds or at another convenient location in  
16 the vicinity of the capitol complex grounds.

17 3. Building project expenses shall include but are  
18 not limited to the costs associated with construction,  
19 maintenance, and operation of the building that are  
20 approved by the board and shall also include principal  
21 of, premium, if any, and interest on indebtedness to  
22 finance the building.

23 4. The department of administrative services'  
24 costs associated with construction, maintenance, and  
25 operation of the building as provided under chapter 8A  
26 are building project expenses.

27 5. A cost-effective approach for financing  
28 construction of the building shall be utilized, which  
29 may include but is not limited to lease,  
30 lease-purchase, bonding, or installment acquisition  
31 arrangement, or a financing arrangement under section  
32 12.28. If financing for the building is implemented  
33 under section 12.28, the limitation on principal under  
34 that section does not apply. This subsection is not a  
35 qualification of any other powers which the board and  
36 the division may possess and the authorizations and  
37 powers granted under this subsection are not subject  
38 to the terms, requirements, or limitations of any  
39 other provisions of law. The department of  
40 administrative services must comply with the  
41 provisions of section 12.28 when entering into  
42 financing agreements for the purchase of real or  
43 personal property.

44 6. a. If financing for the building is  
45 implemented through bonding, the provisions of section  
46 12.91 shall apply. In order to assure maintenance of  
47 the bond reserve funds established in connection with  
48 the financing, the treasurer of state shall, on or  
49 before January 1 of each calendar year, make and  
50 deliver to the governor the treasurer's certificate

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1 stating the sum, if any, required to restore each bond  
2 reserve fund to the bond reserve fund requirement for  
3 that fund.

4 b. Within thirty days after the beginning of the  
5 session of the general assembly next following the  
6 delivery of the certificate, the governor shall submit  
7 to both houses of the general assembly printed copies  
8 of a budget including the sum, if any, required to  
9 restore each bond reserve fund to the bond reserve  
10 fund requirement for that fund. Any sums appropriated  
11 by the general assembly and paid to the treasurer of  
12 state shall be deposited by the treasurer of state in  
13 the applicable bond reserve fund.

14 7. The department of administrative services, in  
15 consultation with the board and the division, shall  
16 secure architectural services, contract for  
17 construction, engineering, and construction oversight  
18 and management, and control the funding associated  
19 with the building construction and the building's  
20 operation and maintenance. The department of  
21 administrative services may utilize consultants or  
22 other expert assistance to address feasibility,  
23 planning, or other considerations connected with  
24 construction of the building or decision making  
25 regarding the building. The department of  
26 administrative services, on behalf of the board and  
27 division, shall consult with the office of the  
28 governor, appropriate legislative bodies, and the  
29 capitol planning commission.

30 Sec.\_\_\_\_. EFFECTIVE DATE. The section of this  
31 division of this Act relating to the expenditure  
32 authority of the utilities board for the fiscal year  
33 beginning July 1, 2005, being deemed of immediate  
34 importance, takes effect upon enactment."

35 82. Title page, line 6, by inserting after the  
36 word "account," the following: "the public transit  
37 infrastructure grant fund, the Iowa great places  
38 program fund,".

39 83. Title page, by striking line 7 and inserting  
40 the following: "and providing immediate, retroactive,  
41 and future effective dates."

42 84. By renumbering, relettering, or redesignating  
43 and correcting internal references as necessary.

S. Olson of Clinton in the chair at 7:06 p.m.

The motion prevailed and the House concurred in the Senate amendment [H-8648](#).

Huseman of Cherokee 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. 2782](#))

The ayes were, 89:

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

The nays were, 5:

Heddens	McCarthy	Pettengill	Van Fossen, J.K.
Wessel-Kroeschell			

Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

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

Speaker Rants in the chair at 7:27 p.m.

The House stood at ease at 7:27 p.m., until the fall of the gavel.

The House resumed session at 7:54 p.m., Speaker Rants in the chair.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 2006, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2459](#), a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters, and providing effective and retroactive applicability dates.

Also: That the Senate has on May 3, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2268](#), a bill for an act relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates.

Also: That the Senate has on May 3, 2006, passed the following bill in which the concurrence of the House is asked:

[Senate File 2410](#), a bill for an act relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizen's aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

## SENATE AMENDMENT CONSIDERED

Lukan of Dubuque called up for consideration [House File 2459](#), a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters, and providing effective and retroactive applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8649](#):

H-8649

1 Amend [House File 2459](#) as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, by striking lines 29 through 31.  
 4 2. Page 4, by striking lines 18 through 24 and  
 5 inserting the following:  
 6 "..... \$ 400,000"  
 7 3. Page 6, by striking lines 34 and 35 and  
 8 inserting the following: "funding small business  
 9 development centers. Iowa state".  
 10 4. Page 10, by striking line 8 and inserting the  
 11 following:  
 12 "..... \$ 5,856,655"  
 13 5. Page 11, by inserting after line 7 the  
 14 following:  
 15 "Sec. \_\_. ACCOUNTABILITY – AUDIT.  
 16 1. The department of workforce development shall  
 17 establish accountability measures for all  
 18 subcontractors. By January 15, 2007, the department  
 19 shall submit a written report to the chairpersons and  
 20 ranking members of the joint appropriations  
 21 subcommittee on economic development which shall  
 22 include a list of contracts held by the department and  
 23 accountability measures in effect for each contract.  
 24 2. The auditor of state shall annually conduct an  
 25 audit of the department of workforce development and  
 26 shall report the findings of such annual audit,  
 27 including the accountability of programs of the  
 28 department, to the chairpersons and ranking members of  
 29 the joint appropriations subcommittee on economic  
 30 development. The department shall pay for the costs  
 31 associated with the audit.  
 32 3. The legislative services agency shall conduct  
 33 an annual review of salaries paid to employees of  
 34 entities organized under chapter 28E and salaries paid  
 35 under a contract with the department of workforce  
 36 development. The legislative services agency shall  
 37 report its findings to the chairpersons and ranking



38 members of the joint appropriations subcommittee on  
 39 economic development."  
 40 6. Page 11, by inserting after line 19 the  
 41 following:  
 42 "Sec. \_\_\_\_ UNEMPLOYMENT COMPENSATION RESERVE FUND.  
 43 Notwithstanding section 96.9, subsection 8, paragraph  
 44 "e", there is appropriated from interest earned on the  
 45 unemployment compensation reserve fund to the  
 46 department of workforce development for the fiscal  
 47 year beginning July 1, 2006, and ending June 30, 2007,  
 48 the following amount for deposit in the field office  
 49 operating fund:  
 50 ..... \$ 4,000,000"

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1 7. Page 12, line 26, by striking the word "ten"  
 2 and inserting the following: "two".  
 3 8. Page 12, line 35, by striking the word "ten"  
 4 and inserting the following: "two".  
 5 9. By renumbering as necessary.

Roll call was requested by Gipp of Winneshiek and Lukan of Dubuque.

On the question "Shall the House concur in the Senate Amendment [H-8649?](#)" ([H.F. 2459](#))

The ayes were, 48:

Bell	Berry	Bukta	Cohon
Dandekar	Davitt	Elgin	Foege
Ford	Frevert	Gaskill	Gipp
Heddens	Hogg	Huser	Jacoby
Jenkins	Jochum	Kressig	Kuhn
Lykam	Mascher	McCarthy	Mertz
Murphy	Oldson	Olson, D.	Petersen
Pettengill	Quirk	Raecker	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Mr. Speaker
			Rants

The nays were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Freeman	Granzow	Greiner	Heaton

Hoffman	Horbach	Huseman	Hutter
Jacobs	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Miller
Olson, S.	Paulsen	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke		

Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

The motion prevailed and the House concurred in the Senate amendment [H-8649](#).

Lukan of Dubuque 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. 2459](#))

The ayes were, 93:

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	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	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
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 7:

Fallon	Fooge	Hunter	Jones
Lensing	Olson, R.	Zirkelbach	

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

#### SENATE MESSAGE CONSIDERED

[Senate File 2410](#), by committee on government oversight, a bill for an act relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, employment rights of employees making a disclosure of information, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

Read first time and **passed on file**.

#### 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 3, 2006, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2734](#), a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the department of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates.

MICHAEL E. MARSHALL, Secretary

## IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [House File 2459](#) be immediately messaged to the Senate.

The House stood at ease at 8:11 p.m., until the fall of the gavel.

The House resumed session at 9:20 p.m., Speaker Rants in the chair.

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
([House File 2540](#))

De Boef of Keokuk called up for consideration the report of the conference committee on [House File 2540](#) and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON [HOUSE FILE 2540](#)

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on [House File 2540](#), a bill for an Act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees, respectfully make the following report:

1. That the House recedes from its amendment, S-5236.
2. That the Senate recedes from its amendment, H-8587.
3. That [House File 2540](#), as amended, passed, and reprinted by the House, is amended to read as follows:
  1. By striking page 2, line 35, through page 3, line 1, and inserting the following: "to be used for the continued testing and monitoring of avian influenza."
  2. Page 4, by inserting after line 16 the following:

"Sec. 101. IOWA SHORTHORN ASSOCIATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For allocation to the Iowa shorthorn association in connection with the 2006 national junior shorthorn show:

..... \$ 10,000"

3. Page 4, line 30, by striking the figure "17,792,579" and inserting the following: "17,967,579".

4. Page 6, by striking lines 10 through 19 and inserting the following: "or equipment associated with personal computers. The department shall award the moneys provided in this subsection using a competitive grant process on a statewide basis. The department shall make the award to a person or persons who apply in a manner and according to procedures required by the department."

5. Page 7, by inserting after line 10 the following:

"Sec. 201. STORMWATER DISCHARGE PERMIT FEES APPROPRIATION - AIR QUALITY MONITORING. Notwithstanding section 8.33, any moneys appropriated to the department of natural resources from stormwater discharge permit fees for the fiscal year beginning July 1, 2005, and ending June 30, 2006, pursuant to 2005 Iowa Acts, chapter 178, section 2, that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available until the close of the succeeding fiscal year for expenditure for full-time personnel to conduct air quality monitoring, which may include but is not limited to staffing required to perform field monitoring and laboratory functions, including salaries, support, maintenance, and for miscellaneous purposes."

6. Page 7, line 34, by striking the word "APPROPRIATION" and inserting the following: "APPROPRIATIONS".

7. Page 8, line 11, by striking the figure "100,000" and inserting the following: "50,000".

8. Page 8, by inserting after line 16 the following:

"Sec. \_\_\_\_ . VETERINARY DIAGNOSTIC LABORATORY.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory:

..... \$ 1,000,000

2. Iowa state university of science and technology shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this section.

3. If by the end of the fiscal year, Iowa state university of science and technology fails to allocate the moneys appropriated in this section to the college of veterinary

science in accordance with this section, the moneys appropriated in this section for that fiscal year shall revert to the general fund of the state.

Sec. \_\_\_\_ VETERINARY DIAGNOSTIC LABORATORY – FUTURE YEARS.

It is the intent of the general assembly that a future general assembly appropriate moneys to Iowa state university of science and technology for the designated fiscal years, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory:

- a. FY 2007-2008 .....\$ 2,000,000
- b. FY 2008-2009.....\$ 3,000,000
- c. FY 2009-2010.....\$ 4,000,000"

9. Page 10, by striking lines 22 through 34 and inserting the following:

- "a. For a major municipal facility, one thousand two hundred seventy-five dollars.
- b. For a minor municipal facility, two hundred ten dollars.
- c. For a semipublic facility, three hundred forty dollars.
- d. For a facility that holds an operation permit, with no wastewater discharge into surface waters, one hundred seventy dollars.
- e. For a municipal water treatment facility, a fee shall not be charged.
- f. For a major industrial facility, three thousand four hundred dollars.
- g. For a minor industrial facility, three hundred dollars.
- h. For an open feedlot operation as provided in chapter 459A, an annual fee of three hundred forty dollars."

10. Page 11, line 25, by striking the figure "400,00" and inserting the following: "600,000".

11. Page 11, line 26, by striking the figure "4.00" and inserting the following: "6.00".

12. Page 12, by inserting before line 20 the following:

"Sec. \_\_\_\_ Section 455E.11, subsection 2, paragraph a, subparagraph (2), subparagraph subdivision (d), Code Supplement 2005, is amended to read as follows:

(d) For the fiscal year beginning July 1, 2005, nine and one-half percent to the department to establish permanent household hazardous waste collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis. Beginning July 1, 2006, six and one-quarter percent to the department to establish permanent household hazardous waste collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis. Beginning July 1, 2007, three percent to the department to establish permanent household hazardous waste collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis. ~~Any~~ Beginning July 1, 2008, any moneys collected pursuant to this subparagraph subdivision that remain unexpended at the end of a fiscal year for establishment of permanent household hazardous waste collection sites shall be used for purposes of subparagraph subdivision (e)."

13. Page 13, by inserting after line 2 the following:

"Sec. \_\_\_\_ . EFFECTIVE DATE. Section 101 of this Act, providing for the allocation of moneys to the Iowa shorthorn association, and section 201 of this Act, relating to a stormwater discharge permit fees appropriation, being deemed of immediate importance, take effect upon enactment."

14. Title Page, line 3, by striking the words "natural resources and providing fees" and inserting the following:

"natural resources, providing fees, and providing an effective date".

15. By renumbering as necessary.

On the part of the House:

BETTY DE BOEF, Chairperson  
JACK DRAKE  
J. SCOTT RAECKER

On the part of the Senate:

JEFF ANGELO, Co-Chairperson  
ROBERT E. DVORSKY  
E. THURMAN GASKILL  
DAVID JOHNSON

The motion prevailed and the conference committee report was adopted.

De Boef of Keokuk moved that the bill 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. 2540](#))

The ayes were, 62:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Carroll
Chambers	Dandekar	Davitt	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Ford	Freeman	Gipp
Granzow	Greiner	Heaton	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jenkins	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lukan	Maddox	May	Miller
Murphy	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	Wendt
Wilderdyke	Mr. Speaker		
	Rants		

The nays were, 32:

Bukta	Cohoon	Foege	Frevert
Gaskill	Heddens	Jacoby	Jochum
Lykam	Mascher	McCarthy	Mertz
Oldson	Olson, D.	Petersen	Pettengill
Quirk	Reasoner	Reichert	Schueller
Shomshor	Shoultz	Smith	Swaim
Taylor, D.	Taylor, T.	Thomas	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise

Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

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 2540](#) be immediately messaged to the Senate.

#### SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration [House File 2734](#), a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the department of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8650](#):

#### [H-8650](#)

- 1 Amend [House File 2734](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "elderly" the following: "only if the monthly cost
- 5 per client for case management for the frail elderly
- 6 services provided does not exceed an average of \$70".
- 7 2. Page 1, line 23, by striking the figure
- 8 "3,627,645" and inserting the following: "4,262,660".
- 9 3. Page 1, line 34, by striking the figure



10 "2,153,208" and inserting the following: "2,788,223".

11 4. Page 2, line 1, by striking the figure  
12 "750,000" and inserting the following: "1,385,015".

13 5. Page 2, line 10, by inserting after the word  
14 "exceed" the following: "an average of".

15 6. Page 2, line 14, by inserting after the word  
16 "individuals." the following: "Notwithstanding any  
17 provision to the contrary, any savings realized in  
18 case management for the frail elderly that is not  
19 provided under the medical assistance elderly waiver  
20 shall be used for services for the frail elderly which  
21 may include substitute decision-making services  
22 pursuant to chapter 231E."

23 7. Page 3, line 19, by striking the figure  
24 "2,341,264" and inserting the following: "2,361,264".

25 8. Page 3, line 20, by striking the figure "7.60"  
26 and inserting the following: "8.60".

27 9. Page 4, by inserting after line 6 the  
28 following:

29 "Of the funds appropriated in this subsection,  
30 \$20,000 shall be used to implement a pilot  
31 demonstration project, in cooperation with the  
32 department of human services and the department of  
33 elder affairs, that utilizes a web-based system to  
34 allow a common intake, case management, and referral  
35 system and provides linkages with existing software  
36 programs at minimal cost to the agencies involved."

37 10. Page 4, line 11, by striking the figure  
38 "1,792,840" and inserting the following: "1,742,840".

39 11. Page 4, line 12, by striking the figure  
40 "2.35" and inserting the following: "3.75".

41 12. Page 4, line 17, by striking the figure  
42 "170,000" and inserting the following: "120,000".

43 13. Page 4, line 33, by striking the figure  
44 "300,000" and inserting the following: "159,700".

45 14. Page 4, line 35, by inserting after the word  
46 "Iowa" the following: "and \$140,300 is allocated for  
47 an initiative at the state mental health institute at  
48 Cherokee".

49 15. Page 5, line 1, by striking the word  
50 "initiative" and inserting the following:

#### Page 2

1 "initiatives".

2 16. Page 5, line 6, by striking the word  
3 "initiative" and inserting the following:

4 "initiatives".

5 17. Page 5, line 8, by striking the word  
6 "initiative" and inserting the following:

7 "initiatives".

8 18. Page 5, by striking lines 21 through 24 and

9 inserting the following: "for counties not receiving  
10 federal funding for this purpose, \$80,000 is allocated  
11 to implement blood lead testing pursuant to section  
12 135.105A, as enacted in this Act, \$50,000 is allocated  
13 to continue the".

14 19. Page 5, by striking lines 29 and 30 and  
15 inserting the following: "department shall select at  
16 least two local childhood lead poisoning programs to  
17 receive the amount allocated for lead hazard".

18 20. Page 6, line 17, by striking the figure  
19 "7,891,473" and inserting the following: "7,941,473".

20 21. Page 6, line 18, by striking the figure  
21 "112.80" and inserting the following: "113.80".

22 22. Page 6, by striking lines 22 through 24 and  
23 inserting the following:

24 "Of the funds appropriated in this subsection,  
25 \$50,000 is allocated for increased costs of the office  
26 of the state medical examiner laboratory."

27 23. Page 10, line 15, by striking the figure  
28 "17,827,536" and inserting the following:  
29 "17,128,861".

30 24. Page 10, by inserting after line 15 the  
31 following:

32 "2A. To be used for the family development and  
33 self-sufficiency grant program as provided under  
34 section 217.12 and this division of this Act:

35 ..... \$ 2,698,675"

36 25. Page 10, line 17, by striking the figure  
37 "17,557,495" and inserting the following:  
38 "17,707,495".

39 26. Page 10, by striking lines 18 through 20.

40 27. Page 12, by striking lines 20 through 22.

41 28. Page 13, line 28, by striking the figure  
42 "5,433,042" and inserting the following: "5,283,042".

43 29. Page 14, by inserting after line 20 the  
44 following:

45 "d. For the JOBS program:

46 ..... \$ 23,968,620

47 Of the funds allocated in this lettered paragraph,  
48 \$2,000,000 shall be used to maintain the mileage  
49 reimbursement rate for the JOBS program at the same  
50 rate used for the Medicaid program during the fiscal

Page 3

1 year."

2 30. Page 14, line 32, by inserting after the word  
3 "investment," the following: "JOBS, family  
4 development and self-sufficiency grant,".

5 31. Page 15, line 8, by striking the figure  
6 "42,874,885" and inserting the following:

7 "42,599,885".

8 32. Page 15, line 9, by striking the figure  
9 "9,274,134" and inserting the following: "6,839,767".  
10 33. Page 15, by inserting after line 10 the  
11 following:  
12 "1A. Of the funds appropriated in this section,  
13 \$2,584,367 is allocated for the family development and  
14 self-sufficiency grant program as provided under  
15 section 217.12 and this division of this Act."  
16 34. Page 15, by striking lines 21 through 25.  
17 35. Page 15, by striking line 26 and inserting  
18 the following:  
19 "4. Notwithstanding section 8.39, for the".  
20 36. Page 16, line 16, by inserting after the word  
21 "purposes." the following: "The department shall  
22 report any transfers made pursuant to this subsection  
23 to the legislative services agency."  
24 37. Page 17, line 18, by striking the figure  
25 "708,121,610" and inserting the following:  
26 "652,311,610".  
27 38. By striking page 19, line 35, through page  
28 20, line 7, and inserting the following:  
29 "\_\_\_\_. The department shall apply to the centers  
30 for Medicare and Medicaid services of the United  
31 States department of health and human services to  
32 participate in the Medicaid transformation grants  
33 program as specified in section 6081 of the federal  
34 Deficit Reduction Act of 2005, Pub. L. No. 109-171,  
35 for adoption of innovative methods to improve the  
36 effectiveness and efficiency in providing medical  
37 assistance. The innovative methods may include but  
38 are not limited to the use of electronic health  
39 records and personal health records by health care  
40 professionals and consumers to address the health  
41 needs specific to populations including but not  
42 limited to persons with brain injury, persons with  
43 dual diagnoses of mental illness and mental  
44 retardation or substance abuse and mental illness, and  
45 children with chronic conditions; the use of  
46 diagnostic techniques that promote the early diagnosis  
47 and treatment of chronic disease in adults including  
48 physical and mental health, hepatitis, behavioral  
49 health, and cancer; and review of the physical and  
50 mental health status of the medical assistance

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1 population to more effectively integrate and determine  
2 public health strategies and interventions to reduce  
3 the incidence of preventable diseases and chronic  
4 conditions in the medical assistance population  
5 including but not limited to those related to obesity  
6 and nutrition, smoking, and diabetes. The department

7 shall submit a draft of the application to the medical  
8 assistance projections and assessment council for  
9 approval as expeditiously as possible, prior to  
10 submission to the centers for Medicare and Medicaid  
11 services of the United States department of health and  
12 human services. Any grant for which application is  
13 made under this subsection shall not require state  
14 matching funds. Any federal funding received shall be  
15 used in coordination with the purposes of the account  
16 for health care transformation pursuant to section  
17 252J.23 and shall be integrated with the IowaCare  
18 program pursuant to chapter 252J."

19 39. Page 20, by inserting after line 17 the  
20 following:

21 "\_\_\_\_. The department shall submit a medical  
22 assistance state plan amendment to the centers for  
23 Medicare and Medicaid services of the United States  
24 department of health and human services that is in  
25 substantially the form of the draft submitted by  
26 letter dated March 1, 2006, and published on the  
27 department website. The department shall adopt  
28 emergency rules effective July 1, 2006, to implement  
29 the state plan amendment.

30 \_\_\_\_\_. The department shall review the impact of the  
31 federal Deficit Reduction Act of 2005, Pub. L. No.  
32 109-171, on the state's medical assistance program  
33 reimbursement policy for multiple source prescription  
34 drug products and the Act's impact on participating  
35 pharmacies. The department shall submit a report,  
36 including recommendations relating to adjustments to  
37 the medical assistance program pharmacy dispensing  
38 fee, to the governor and the general assembly no later  
39 than January 1, 2007."

40 40. Page 22, line 31, by inserting after the  
41 figure "237A.26." the following: "A list of the  
42 registered and licensed child care facilities  
43 operating in the area served by a child care resource  
44 and referral service shall be made available to the  
45 families receiving state child care assistance in that  
46 area."

47 41. Page 23, by striking lines 20 through 29 and  
48 inserting the following: "is transferred to the Iowa  
49 empowerment fund to be used for professional  
50 development for the system of early care, health, and

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1 education."

2 42. Page 24, by striking lines 18 through 20 and  
3 inserting the following: "the study group shall be  
4 provided by the department of human services. The  
5 study group membership shall also include but is".

- 6 43. Page 24, line 26, by inserting after the word  
7 "services," the following: "a representative of the  
8 division of criminal and juvenile justice planning of  
9 the department of human rights,".
- 10 44. Page 24, line 35, by striking the figure  
11 "10,623,148" and inserting the following:  
12 "10,608,148".
- 13 45. Page 25, line 3, by striking the figure  
14 "40,000" and inserting the following: "25,000".
- 15 46. Page 25, line 18, by striking the figure  
16 "80,715,373" and inserting the following:  
17 "80,945,373".
- 18 47. Page 27, by striking lines 8 through 11 and  
19 inserting the following:  
20 "Notwithstanding section 234.35 or any other  
21 provision of law to the contrary, for the fiscal year  
22 beginning July 1, 2006, state funding for shelter care  
23 shall be limited to the amount necessary to fund 273  
24 beds that are guaranteed and seven beds that are not  
25 guaranteed. The department shall submit an emergency  
26 services plan by December 15, 2006, to the persons  
27 designated by this division of this Act to receive  
28 reports. The plan shall identify crisis intervention  
29 and emergency services alternatives to shelter care  
30 and shall specify the numbers of shelter beds that are  
31 guaranteed and not guaranteed, as determined necessary  
32 by the department."
- 33 48. Page 30, line 31, by inserting after the word  
34 ""a"" the following: "and the juveniles' families".
- 35 49. Page 31, by inserting after line 22 the  
36 following:  
37 "\_\_\_\_\_. Of the funds appropriated in this section,  
38 \$230,000 shall be used for a grant to a nonprofit  
39 human services organization providing services to  
40 individuals and families in multiple locations in  
41 southwest Iowa and Nebraska for support of a project  
42 providing immediate, sensitive support and forensic  
43 interviews, medical exams, needs assessments and  
44 referrals for victims of child abuse and their  
45 nonoffending family members."
- 46 50. Page 32, line 32, by inserting after the  
47 figure "196,000" the following: "in the latest  
48 preceding certified federal census".
- 49 51. Page 34, line 34, by striking the figure  
50 "5,979,344" and inserting the following: "6,179,344".

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- 1 52. Page 35, line 16, by striking the figure  
2 "1,071,074" and inserting the following: "1,046,074".
- 3 53. Page 37, line 6, by striking the figure  
4 "10,586,619" and inserting the following:

5 "12,286,619".

6 54. Page 37, line 28, by striking the figure

7 "17,757,890" and inserting the following:

8 "18,017,890".

9 55. Page 39, by inserting after line 3 the

10 following:

11 "6. Of the funds appropriated in this section,

12 \$260,000 is allocated to the department for

13 development of an assessment process for use beginning

14 in a subsequent fiscal year as authorized specifically

15 by a statute to be enacted in a subsequent fiscal

16 year, determining on a consistent basis the needs and

17 capacities of persons seeking or receiving mental

18 health, mental retardation, developmental

19 disabilities, or brain injury services that are paid

20 for in whole or in part by the state or a county. The

21 assessment process shall be developed with the

22 involvement of counties and the mental health, mental

23 retardation, developmental disabilities, and brain

24 injury commission."

25 56. Page 40, line 15, by striking the figure

26 "14,028,679" and inserting the following:

27 "14,528,679".

28 57. Page 40, line 16, by striking the figure

29 "309.00" and inserting the following: "311.00".

30 58. Page 40, by inserting after line 25 the

31 following:

32 "3. Of the funds appropriated in this section,

33 \$500,000 is allocated for salary and technical

34 assistance expenses for the department to reestablish

35 a separate division to which the appropriate

36 departmental duties addressing mental health, mental

37 retardation, developmental disabilities, and brain

38 injury services shall be assigned."

39 59. Page 41, line 34, by inserting after the word

40 "The" the following: "skilled nursing facility market

41 basket".

42 60. Page 47, by inserting after line 22 the

43 following:

44 "Sec. \_\_\_\_\_. LOW-INCOME HOME ENERGY ASSISTANCE

45 PROGRAM – SUPPLEMENTAL APPROPRIATION.

46 1. There is appropriated from the general fund of

47 the state to the division of community action agencies

48 of the department of human rights for the fiscal year

49 beginning July 1, 2005, and ending June 30, 2006, the

50 following amount, or so much thereof as is necessary,

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1 to be used for the purpose designated:

2 For supplementation of the appropriation made for

3 the low-income home energy assistance program made in

4 2005 Iowa Acts, chapter 164, section 10:  
5 ..... \$ 3,000,000  
6 2. Of the moneys appropriated in this section,  
7 \$150,000 shall not be expended in the fiscal year for  
8 which appropriated, but shall be transferred in the  
9 succeeding fiscal year to the department of human  
10 services to be used for the family development and  
11 self-sufficiency grant program. Notwithstanding  
12 section 8.33, moneys appropriated in this section that  
13 remain unencumbered or unobligated at the close of the  
14 fiscal year shall not revert but shall remain  
15 available for expenditure for the purposes designated  
16 until the close of the succeeding fiscal year.  
17 3. The legislative council is requested to  
18 authorize a review of the low-income home energy  
19 assistance program and weatherization program by the  
20 fiscal committee of the legislative council or other  
21 body during the 2006 legislative interim. The issues  
22 reviewed shall include but are not limited to  
23 financial assistance, the application and intake  
24 processes, and the community action agencies  
25 assessment and resolution proposal. The review shall  
26 also include involving the department of human  
27 services in the administration of the programs to  
28 enable low-income persons to access additional  
29 assistance programs through a single location."  
30 61. Page 47, by inserting before line 23 the  
31 following:  
32 "Sec. \_\_\_\_\_. Section 16.183, subsections 1 and 3,  
33 Code 2005, are amended to read as follows:  
34 1. A home and community-based services revolving  
35 loan program fund is created within the authority to  
36 further the goals specified in section 231.3, adult  
37 day services, respite services, ~~and~~ congregate meals,  
38 health and wellness, health screening, and nutritional  
39 assessments. The moneys in the home and  
40 community-based services revolving loan program fund  
41 shall be used by the authority for the development and  
42 operation of a revolving loan program to develop and  
43 expand facilities and infrastructure that provide  
44 adult day services, respite services, ~~and~~ congregate  
45 meals, and programming space for health and wellness,  
46 health screening, and nutritional assessments that  
47 address the needs of persons with low incomes.  
48 3. The authority, in cooperation with the  
49 department of elder affairs, shall annually allocate  
50 moneys available in the home and community-based

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1 services revolving loan program fund to develop and  
2 expand facilities and infrastructure that provide

3 adult day services, respite services, ~~and~~ congregate  
 4 meals, ~~and programming space for health and wellness,~~  
 5 ~~health screening, and nutritional assessments~~ that  
 6 address the needs of persons with low incomes."

7 62. Page 48, by inserting after line 35 the  
 8 following:

9 "Sec. \_\_\_\_\_. 2005 Iowa Acts, chapter 175, section 9,  
 10 unnumbered paragraph 2, is amended to read as follows:

11 For medical assistance reimbursement and associated  
 12 costs as specifically provided in the reimbursement  
 13 methodologies in effect on June 30, 2005, except as  
 14 otherwise expressly authorized by law, including  
 15 reimbursement for abortion services, which shall be  
 16 available under the medical assistance program only  
 17 for those abortions which are medically necessary:

18 ..... \$510,040,317

19 538,040,317"

20 63. Page 50, by striking lines 23 through 32 and  
 21 inserting the following:

22 "Sec. \_\_\_\_\_. 2005 Iowa Acts, chapter 175, section  
 23 22, is amended by adding the following new subsection:

24 NEW SUBSECTION. 2A. a. Notwithstanding sections  
 25 8.33 and 222.92, of the revenues available to the  
 26 state resource centers that remain unencumbered or  
 27 unobligated at the close of the fiscal year the  
 28 indicated amounts shall not revert but shall remain  
 29 available for expenditure for the purposes designated  
 30 until the close of the succeeding fiscal year:

31 (1) For the state resource center at Glenwood,  
 32 \$1,250,000.

33 (2) For the state resource center at Woodward,  
 34 \$750,000.

35 b. Of the amounts designated in paragraph "a",  
 36 \$250,000 at each resource center shall be used to  
 37 continue the procurement and installation of the  
 38 electronic medical records system initiated in the  
 39 fiscal year beginning July 1, 2005."

40 64. Page 50, line 35, by striking the figure  
 41 "200,000" and inserting the following: "400,000".

42 65. Page 51, line 19, by striking the figure  
 43 "~~167,042,326~~" and inserting the following:

44 "~~168,156,999~~".

45 66. Page 51, line 35, by inserting after the  
 46 words "adjust the" the following: "skilled nursing  
 47 facility market basket".

48 67. Page 52, by inserting after line 3 the  
 49 following:

50 "Sec. \_\_\_\_\_. 2005 Iowa Acts, chapter 175, section



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1 29, subsection 1, paragraph a, is amended by adding  
2 the following new subparagraph:  
3 **NEW SUBPARAGRAPH.** (4) For the period of April 1,  
4 2006, through June 30, 2006, the department shall  
5 apply one-third of the skilled nursing facility market  
6 basket index to the midpoint of the rate period  
7 beginning July 1, 2005. The department may adopt  
8 emergency rules to implement this subparagraph."

9 68. Page 52, by inserting before line 4 the  
10 following:  
11 "Sec. \_\_\_\_\_. **NONREVERSION – FY 2007-2008 BASE**  
12 **BUDGET.** For purposes of the budget process under  
13 section 8.23 for the fiscal year beginning July 1,  
14 2007, the base budget amounts for the appropriations  
15 made to the department of human services for the  
16 purposes designated in this division of this Act shall  
17 be adjusted to include the amounts of the  
18 appropriations made for the same purposes for the  
19 fiscal year beginning July 1, 2005, that, pursuant to  
20 this division of this Act, do not revert and remain  
21 available for expenditure in the succeeding fiscal  
22 year."

23 69. Page 52, by inserting after line 6 the  
24 following:  
25 "\_\_\_\_\_. The provision under the appropriation for  
26 medical assistance relating to the submission of a  
27 medical assistance state plan amendment to the centers  
28 for Medicare and Medicaid services of the United  
29 States department of health and human services.  
30 \_\_\_\_\_. The provision under the appropriation for  
31 medical assistance relating to the directive to the  
32 department of human services to apply for  
33 participation in the Medicaid transformation grants  
34 program as specified in the federal Deficit Reduction  
35 Act of 2005."

36 70. Page 52, by inserting after line 11 the  
37 following:  
38 "1A. The provision enacting a supplemental  
39 appropriation to the department of human rights for  
40 purposes of the low-income home energy assistance  
41 program."

42 71. Page 52, line 20, by striking the word  
43 "provision" and inserting the following:  
44 "provisions".

45 72. Page 53, by inserting after line 4 the  
46 following:  
47 "Sec. \_\_\_\_\_. **EFFECTIVE DATE – RETROACTIVE**  
48 **APPLICABILITY.** The provision of this division of this  
49 Act amending 2005 Iowa Acts, chapter 175, section 29,  
50 subsection 1, paragraph "a", by enacting new

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- 1 subparagraph (4), being deemed of immediate  
 2 importance, takes effect upon enactment and is  
 3 retroactively applicable to April 1, 2006."  
 4 73. Page 53, by inserting after line 6 the  
 5 following:  
 6 "ENDOWMENT FOR IOWA'S HEALTH ACCOUNT,"  
 7 74. Page 53, line 17, by inserting after the word  
 8 "including" the following: "case management only if  
 9 the monthly cost per client for case management for  
 10 the frail elderly services provided does not exceed an  
 11 average of \$70, and including".  
 12 75. Page 53, line 31, by inserting after the word  
 13 "exceed" the following: "an average of".  
 14 76. Page 54, line 33, by striking the figure  
 15 "40,000,000" and inserting the following:  
 16 "65,000,000".  
 17 77. Page 55, by inserting after line 23 the  
 18 following:  
 19 "Sec. \_\_\_\_\_. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT –  
 20 SENIOR LIVING TRUST FUND. There is appropriated from  
 21 the endowment for Iowa's health account of the tobacco  
 22 settlement trust fund created in section 12E.12 to the  
 23 senior living trust fund created in section 249H.4 for  
 24 the fiscal year beginning July 1, 2006, and ending  
 25 June 30, 2007, the following amount:  
 26 ..... \$ 25,000,000"  
 27 78. Page 57, line 25, by striking the figure  
 28 "37,000,000" and inserting the following:  
 29 "40,000,000".  
 30 79. Page 57, by inserting after line 25 the  
 31 following:  
 32 "Notwithstanding any provision of law to the  
 33 contrary, of the amount appropriated in this  
 34 subsection, \$37,000,000 shall be allocated in twelve  
 35 equal monthly payments as provided in section 249J.24.  
 36 Any amount appropriated in this subsection in excess  
 37 of \$37,000,000 shall be allocated only if federal  
 38 funds are available to match the amount allocated."  
 39 80. Page 59, by inserting after line 21 the  
 40 following:  
 41 "Notwithstanding section 8.39, subsection 1,  
 42 without the prior written consent and approval of the  
 43 governor and the director of the department of  
 44 management, the director of human services may  
 45 transfer funds among the appropriations made in this  
 46 section, as necessary to carry out the purposes of the  
 47 account for health care transformation. The  
 48 department shall report any transfers made pursuant to  
 49 this section to the legislative services agency."  
 50 81. Page 60, by inserting after line 23 the

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1 following:

2 "Sec. \_\_\_\_\_. 2006 Iowa Acts, [House File 2347](#),  
3 section 5, is amended to read as follows:

4 SEC. 5. ~~APPROPRIATION TRANSFER~~ – HEALTH CARE  
5 TRANSFORMATION ACCOUNT. There is ~~appropriated~~  
6 ~~transferred~~ from the account for health care  
7 transformation created in section 249J.23, to the  
8 ~~department of human services IowaCare account created~~  
9 ~~Uin section 249J.24, \$2,000,000~~ for the fiscal year  
10 beginning July 1, 2005, and ending June 30, 2006, ~~the~~  
11 ~~following amount, or so much thereof as is necessary,~~  
12 ~~for the purposes designated:~~

13 ~~For payments to the university of Iowa hospitals~~  
14 ~~and clinics for provision of services pursuant to and~~  
15 ~~for costs associated with chapter 249J:~~

16 ..... \$ 2,000,000

17 ~~Notwithstanding section 8.33, moneys appropriated~~  
18 ~~in this section that remain unencumbered or~~  
19 ~~unobligated at the close of the fiscal year shall not~~  
20 ~~revert, but shall remain available for expenditure for~~  
21 ~~the purposes designated until the close of the~~  
22 ~~succeeding fiscal year.~~

23 Sec. \_\_\_\_\_. 2005 Iowa Acts, chapter 167, section 63,  
24 subsection 1, is amended to read as follows:

25 1. There is appropriated from the ~~Iowacare~~  
26 ~~IowaCare~~ account created in section 249J.23 to the  
27 university of Iowa hospitals and clinics 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 salaries, support, maintenance, equipment, and  
32 miscellaneous purposes, for the provision of medical  
33 and surgical treatment of indigent patients, for  
34 provision of services to members of the expansion  
35 population pursuant to chapter 249J, as enacted in  
36 this Act, and for medical education:

37 ..... \$ 27,284,584

38 ..... 37,862,932

39 Notwithstanding any provision of this Act to the  
40 contrary, of the amount appropriated in this  
41 subsection, \$27,284,584 shall be allocated in twelve  
42 equal monthly payments as provided in section 249J.23,  
43 as enacted in this Act. Any amount appropriated in  
44 this subsection in excess of \$27,284,584 shall be  
45 allocated only if federal funds are available to match  
46 the amount allocated. Notwithstanding section 8.33,  
47 moneys appropriated in this subsection that remain  
48 unencumbered or unobligated at the close of the fiscal  
49 year shall not revert, but shall remain available for  
50 expenditure for the purposes designated until the

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1 close of the succeeding fiscal year."

2 82. Page 61, by inserting after line 9 the  
3 following:

4 "\_\_\_\_. The provision amending 2005 Iowa Acts,  
5 chapter 167, section 63."

6 83. Page 61, by inserting after line 12 the  
7 following:

8 "Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
9 APPLICABILITY. The section of this division of this  
10 Act amending 2006 Iowa Acts, [House File 2347](#), section  
11 5, being deemed of immediate importance, takes effect  
12 upon enactment and is retroactively applicable to  
13 March 9, 2006."

14 84. Page 61, by inserting after line 18 the  
15 following:

16 "Sec.\_\_\_\_. 2005 Iowa Acts, chapter 179, section 1,  
17 subsection 1, is amended to read as follows:

18 1. There is appropriated from the general fund of  
19 the state to the department of human services for the  
20 fiscal year beginning July 1, 2006, and ending June  
21 30, 2007, the following amount, or so much thereof as  
22 is necessary, to be used for the purpose designated:

23 For distribution to counties of the county mental  
24 health, mental retardation, and developmental  
25 disabilities allowed growth factor adjustment, as  
26 provided in this section in lieu of the provisions of  
27 section 331.438, subsection 2, and section 331.439,  
28 subsection 3, and chapter 426B:

29 ..... \$ ~~35,788,041~~  
30 ..... 38,888,041"

31 85. Page 61, by striking lines 25 through 33 and  
32 inserting the following:

33 "Sec.\_\_\_\_. 2005 Iowa Acts, chapter 179, section 1,  
34 subsection 2, paragraphs b and c, are amended to read  
35 as follows:

36 b. For deposit in the per capita expenditure  
37 target pool created in the property tax relief fund  
38 and for distribution in accordance with section  
39 426B.5, subsection 1:

40 ..... \$ ~~19,361,148~~  
41 ..... 24,461,148

42 c. For deposit in the risk pool created in the  
43 property tax relief fund and for distribution in  
44 accordance with section 426B.5, subsection 2:

45 ..... \$ ~~2,000,000~~  
46 ..... 0"

47 86. Page 62, line 14, by striking the figure  
48 "25,925,724" and inserting the following:  
49 "32,125,724".

50 87. Page 62, line 34, by inserting after the word

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1 "year." the following: "If a county borrowed moneys  
2 for purposes of providing services from the county's  
3 services fund on or before July 1, 2005, and the  
4 county's services fund ending balance for that fiscal  
5 year includes the loan proceeds or an amount  
6 designated in the county budget to service the loan  
7 for the borrowed moneys, those amounts shall not be  
8 considered to be part of the county's ending balance  
9 for purposes of calculating an ending balance  
10 percentage under this subsection."

11 88. Page 63, line 22, by striking the figure  
12 "4,564,576" and inserting the following: "7,664,576".

13 89. Page 64, by inserting after line 4 the  
14 following:

15 "Sec. \_\_\_\_\_. Section 135.2, Code 2005, is amended to  
16 read as follows:

17 135.2 APPOINTMENT OF DIRECTOR AND ACTING DIRECTOR.

18 1. a. The governor shall appoint the director of  
19 the department, subject to confirmation by the senate.  
20 The director shall serve at the pleasure of the  
21 governor. The director is exempt from the merit  
22 system provisions of chapter 8A, subchapter IV. The  
23 governor shall set the salary of the director within  
24 the range established by the general assembly.

25 b. The director shall possess education and  
26 experience in public health.

27 2. The director may appoint an employee of the  
28 department to be acting director, who shall have all  
29 the powers and duties possessed by the director. The  
30 director may appoint more than one acting director but  
31 only one acting director shall exercise the powers and  
32 duties of the director at any time.

33 Sec. \_\_\_\_\_. NEW SECTION. 135.12 OFFICE OF  
34 MULTICULTURAL HEALTH – ESTABLISHED – DUTIES.

35 The office of multicultural health is established  
36 within the department. The office shall be  
37 responsible for all of the following:

38 1. Providing comprehensive management strategies  
39 to address culturally and linguistically appropriate  
40 services, including strategic goals, plans, policies,  
41 and procedures, and designating staff responsible for  
42 implementation.

43 2. Requiring and arranging for ongoing education  
44 and training for administrative, clinical, and other  
45 appropriate staff in culturally and linguistically  
46 competent health care and service delivery.

47 3. Utilizing formal mechanisms for community and  
48 consumer involvement and coordinating with other state  
49 agencies to identify resources and programs that  
50 affect the health service delivery systems.

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1 Sec.\_\_\_\_. Section 135.22A, subsection 3, Code  
2 Supplement 2005, is amended to read as follows:

3 3. The council shall be composed of a minimum of  
4 nine members appointed by the governor in addition to  
5 the ex officio members, and the governor may appoint  
6 additional members. Insofar as practicable, the  
7 council shall include persons with brain injuries,  
8 family members of persons with brain injuries,  
9 representatives of industry, labor, business, and  
10 agriculture, representatives of federal, state, and  
11 local government, and representatives of religious,  
12 charitable, fraternal, civic, educational, medical,  
13 legal, veteran, welfare, and other professional groups  
14 and organizations. Members shall be appointed  
15 representing every geographic and employment area of  
16 the state and shall include members of both sexes. A  
17 simple majority of the members appointed by the  
18 governor shall constitute a quorum.

19 Sec.\_\_\_\_. Section 135.63, subsection 2, paragraph  
20 o, Code 2005, is amended to read as follows:

21 o. The change in ownership, licensure,  
22 organizational structure, or designation of the type  
23 of institutional health facility if the health  
24 services offered by the successor institutional health  
25 facility are unchanged. This exclusion is applicable  
26 only if the institutional health facility consents to  
27 the change in ownership, licensure, organizational  
28 structure, or designation of the type of institutional  
29 health facility and ceases offering the health  
30 services simultaneously with the initiation of the  
31 offering of health services by the successor  
32 institutional health facility.

33 Sec.\_\_\_\_. NEW SECTION. 135.105D BLOOD LEAD  
34 TESTING – PROVIDER EDUCATION – PAYOR OF LAST RESORT.

35 1. For purposes of this section:

36 a. "Blood lead testing" means taking a capillary  
37 or venous sample of blood and sending it to a  
38 laboratory to determine the level of lead in the  
39 blood.

40 b. "Capillary" means a blood sample taken from the  
41 finger or heel for lead analysis.

42 c. "Health care provider" means a physician who is  
43 licensed under chapter 148, 150, or 150A, or a person  
44 who is licensed as a physician assistant under chapter  
45 148C, or as an advanced registered nurse practitioner.

46 d. "Venous" means a blood sample taken from a vein  
47 in the arm for lead analysis.

48 2. The department shall work with health care  
49 provider associations to educate health care providers  
50 regarding requirements for testing children who are

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1 enrolled in certain federally funded programs and  
2 regarding department recommendations for testing other  
3 children for lead poisoning.

4 3. The department shall implement blood lead  
5 testing for children under six years of age who are  
6 not eligible for the testing services to be paid by a  
7 third-party source. The department shall contract  
8 with one or more public health laboratories to provide  
9 blood lead analysis for such children. The department  
10 shall establish by rule the procedures for health care  
11 providers to submit samples to the contracted public  
12 health laboratories for analysis. The department  
13 shall also establish by rule a method to reimburse  
14 health care providers for drawing blood samples from  
15 such children and the dollar amount that the  
16 department will reimburse health care providers for  
17 the service. Payment for blood lead analysis and  
18 drawing blood samples shall be limited to the amount  
19 appropriated for the program in a fiscal year.

20 Sec.\_\_\_\_. Section 135.109, subsection 3, paragraph  
21 b, Code 2005, is amended to read as follows:

22 b. A licensed physician or nurse who is  
23 knowledgeable concerning domestic abuse injuries and  
24 deaths, including suicides.

25 Sec.\_\_\_\_. Section 135.109, subsection 4, Code  
26 2005, is amended by adding the following new  
27 paragraph:

28 NEW PARAGRAPH. j. The director of the state law  
29 enforcement academy.

30 Sec.\_\_\_\_. Section 135.110, subsection 1, paragraph  
31 a, unnumbered paragraph 1, Code 2005, is amended to  
32 read as follows:

33 Prepare ~~an annual~~ a biennial report for the  
34 governor, supreme court, attorney general, and the  
35 general assembly concerning the following subjects:

36 Sec.\_\_\_\_. Section 135.140, subsection 6, paragraph  
37 a, Code Supplement 2005, is amended by adding the  
38 following new subparagraphs:

39 NEW SUBPARAGRAPH. (6) A natural occurrence or  
40 incident, including but not limited to fire, flood,  
41 storm, drought, earthquake, tornado, or windstorm.

42 NEW SUBPARAGRAPH. (7) A man-made occurrence or  
43 incident, including but not limited to an attack,  
44 spill, or explosion.

45 Sec.\_\_\_\_. Section 137.6, subsection 2, paragraph  
46 a, Code 2005, is amended to read as follows:

47 a. Rules of a county board shall become effective  
48 upon approval by the county board of supervisors by a  
49 motion or resolution as defined in section 331.101,  
50 subsection 13, and publication in a newspaper having

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1 general circulation in the county.  
2 Sec.\_\_\_\_. NEW SECTION. 139A.13A ISOLATION OR  
3 QUARANTINE – EMPLOYMENT PROTECTION.  
4 1. An employer shall not discharge an employee, or  
5 take or fail to take action regarding an employee's  
6 promotion or proposed promotion, or take action to  
7 reduce an employee's wages or benefits for actual time  
8 worked, due to the compliance of an employee with a  
9 quarantine or isolation order issued by the department  
10 or a local board.  
11 2. An employee whose employer violates this  
12 section may petition the court for imposition of a  
13 cease and desist order against the person's employer  
14 and for reinstatement to the person's previous  
15 position of employment. This section does not create  
16 a private cause of action for relief of money damages.  
17 Sec.\_\_\_\_. Section 147.82, subsection 3, Code  
18 Supplement 2005, is amended to read as follows:  
19 3. The department may annually retain and expend  
20 not more than one hundred thousand dollars for  
21 reduction of the number of days necessary to process  
22 medical license requests and for reduction of the  
23 number of days needed for consideration of malpractice  
24 cases from fees collected pursuant to section 147.80  
25 by the board of medical examiners ~~in the fiscal year~~  
26 ~~beginning July 1, 2005, and ending June 30, 2006.~~  
27 Fees retained by the department pursuant to this  
28 subsection shall be considered repayment receipts as  
29 defined in section 8.2 and shall be used for the  
30 purposes described in this subsection.  
31 Sec.\_\_\_\_. Section 147.153, subsection 3, Code  
32 2005, is amended to read as follows:  
33 3. Pass an examination administered as determined  
34 by the board to assure the applicant's professional  
35 competence in speech pathology or audiology by rule.  
36 Sec.\_\_\_\_. Section 147.155, Code 2005, is amended  
37 to read as follows:  
38 147.155 TEMPORARY CLINICAL LICENSE.  
39 Any person who has fulfilled all of the  
40 requirements for licensure under this division, except  
41 for having completed the nine months clinical  
42 experience requirement as provided in section 147.153,  
43 subsection 1 or 2, and the examination as provided in  
44 section 147.153, subsection 3, may apply to the board  
45 for a temporary clinical license. The license shall  
46 be designated "temporary clinical license in speech  
47 pathology" or "temporary clinical license in  
48 audiology" and shall authorize the licensee to  
49 practice speech pathology or audiology under the  
50 supervision of a licensed speech pathologist or



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1 licensed audiologist, as appropriate. The license  
2 shall be valid for one year and may be renewed once at  
3 the discretion of the board. The fee for a temporary  
4 clinical license shall be set by the board to cover  
5 the administrative costs of issuing the license, and  
6 if renewed, a renewal fee as set by the board shall be  
7 required. A temporary clinical license shall be  
8 issued only upon evidence satisfactory to the board  
9 that the applicant will be supervised by a person  
10 licensed as a speech pathologist or audiologist, as  
11 appropriate. ~~The board shall revoke any temporary  
12 clinical license at any time it determines either that  
13 the work done by the temporary clinical licensee or  
14 the supervision being given the temporary clinical  
15 licensee does not conform to reasonable standards  
16 established by the board.~~

17 Sec. \_\_\_\_\_. NEW SECTION. 147A.15 AUTOMATED  
18 EXTERNAL DEFIBRILLATOR EQUIPMENT – PENALTY.

19 Any person who damages, wrongfully takes or  
20 withholds, or removes any component of automated  
21 external defibrillator equipment located in a public  
22 or privately owned location, including batteries  
23 installed to operate the equipment, is guilty of a  
24 serious misdemeanor.

25 Sec. \_\_\_\_\_. Section 148.2, subsection 5, Code 2005,  
26 is amended to read as follows:

27 5. Physicians and surgeons of the United States  
28 army, navy, ~~or air force, marines,~~ public health  
29 service, or other uniformed service when acting in the  
30 line of duty in this state, and holding a current,  
31 active permanent license in good standing in another  
32 state, district, or territory of the United States, or  
33 physicians and surgeons licensed in another state,  
34 when incidentally called into this state in  
35 consultation with a physician and surgeon licensed in  
36 this state.

37 Sec. \_\_\_\_\_. Section 149.3, Code 2005, is amended to  
38 read as follows:

39 149.3 LICENSE.

40 Every applicant for a license to practice podiatry  
41 shall:

- 42 1. Be a graduate of an accredited ~~high school of~~  
43 podiatry.
- 44 2. Present ~~a diploma~~ an official transcript issued  
45 by a school of podiatry approved by the board of  
46 podiatry examiners.
- 47 3. Pass an examination ~~in the subjects of anatomy,~~  
48 ~~chemistry, dermatology, diagnosis, pharmacy and~~  
49 ~~materia medica, pathology, physiology, histology,~~  
50 ~~bacteriology, neurology, practical and clinical~~

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1 ~~podiatry, foot orthopedics, and others, as prescribed~~  
2 ~~by the board of podiatry examiners as determined by~~  
3 ~~the board by rule.~~

4 4. Have successfully completed a ~~one year~~  
5 ~~residency or preceptorship approved by the board of~~  
6 ~~podiatry examiners as determined by the board by rule~~

7 This subsection applies to all applicants who graduate  
8 from podiatric college on or after January 1, 1995.

9 Sec.\_\_\_\_. Section 149.7, unnumbered paragraph 2,  
10 Code 2005, is amended to read as follows:

11 The temporary certificate shall be issued for one  
12 year and may be renewed, but a person shall not be  
13 entitled to practice podiatry in excess of three years  
14 while holding a temporary certificate. The fee for  
15 this certificate shall be set by the podiatry  
16 examiners and if extended beyond one year a renewal  
17 fee per year shall be set by the podiatry examiners.  
18 The fees shall be based on the administrative costs of  
19 issuing and renewing the certificates. ~~The podiatry~~  
20 ~~examiners may cancel a temporary certificate at any~~  
21 ~~time, without a hearing, for reasons deemed sufficient~~  
22 ~~to the podiatry examiners.~~

23 Sec.\_\_\_\_. Section 149.7, unnumbered paragraphs 3  
24 and 4, Code 2005, are amended by striking the  
25 unnumbered paragraphs.

26 Sec.\_\_\_\_. Section 151.12, Code 2005, is amended to  
27 read as follows:

28 151.12 TEMPORARY CERTIFICATE.

29 The chiropractic examiners may, in their  
30 discretion, issue a temporary certificate authorizing  
31 the licensee to practice chiropractic if, in the  
32 opinion of the chiropractic examiners, a need exists  
33 and the person possesses the qualifications prescribed  
34 by the chiropractic examiners for the license, which  
35 shall be substantially equivalent to those required  
36 for licensure under this chapter. The chiropractic  
37 examiners shall determine in each instance those  
38 eligible for this license, whether or not examinations  
39 shall be given, ~~and~~ the type of examinations, and the  
40 duration of the license. No requirements of the law  
41 pertaining to regular permanent licensure are  
42 mandatory for this temporary license except as  
43 specifically designated by the chiropractic examiners.  
44 The granting of a temporary license does not in any  
45 way indicate that the person so licensed is eligible  
46 for regular licensure, nor are the chiropractic  
47 examiners in any way obligated to so license the  
48 person.

49 The temporary certificate shall be issued for one  
50 year and at the discretion of the chiropractic

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1 examiners may be renewed, but a person shall not  
2 practice chiropractic in excess of three years while  
3 holding a temporary certificate. The fee for this  
4 license shall be set by the chiropractic examiners and  
5 if extended beyond one year a renewal fee per year  
6 shall be set by the chiropractic examiners. The fees  
7 fee for the temporary license shall be based on the  
8 administrative costs of issuing and renewing the  
9 licenses. The chiropractic examiners may cancel a  
10 temporary certificate at any time, without a hearing,  
11 for reasons deemed sufficient to the chiropractic  
12 examiners.  
13 ~~When the chiropractic examiners cancel a temporary~~  
14 ~~certificate they shall promptly notify the licensee by~~  
15 ~~registered mail, at the licensee's last named address,~~  
16 ~~as reflected by the files of the chiropractic~~  
17 ~~examiners, and the temporary certificate is terminated~~  
18 ~~and of no further force and effect three days after~~  
19 ~~the mailing of the notice to the licensee.~~  
20 Sec. \_\_\_\_\_. Section 154.3, subsection 1, Code 2005,  
21 is amended to read as follows:  
22 1. Every applicant for a license to practice  
23 optometry shall:  
24 a. ~~Present satisfactory evidence of a preliminary~~  
25 ~~education equivalent to at least four years study in~~  
26 ~~an accredited high school or other secondary school.~~  
27 Be a graduate of an accredited school of optometry.  
28 b. ~~Present a diploma from an official transcript~~  
29 issued by an accredited school of optometry.  
30 c. Pass an examination ~~prescribed by the optometry~~  
31 ~~examiners in the subjects of physiology of the eye,~~  
32 ~~optical physics, anatomy of the eye, ophthalmology,~~  
33 ~~and practical optometry as determined by the board by~~  
34 rule.  
35 Sec. \_\_\_\_\_. Section 154B.6, subsection 3, Code 2005,  
36 is amended to read as follows:  
37 3. Have not failed the examination required in  
38 subsection 2 within ~~the six months next~~ sixty days  
39 preceding the date of the subsequent examination.  
40 The examinations required in this section may, at  
41 the discretion of the board, be waived for holders by  
42 examination of licenses or certificates from states  
43 whose requirements are substantially equivalent to  
44 those of this chapter, and for holders by examination  
45 of specialty diplomas from the American board of  
46 professional psychology.  
47 ~~Any person who within one year after July 1, 1975,~~  
48 ~~meets the requirements specified in subsection 1 shall~~  
49 ~~receive licensure without having passed the~~  
50 ~~examination required in subsection 2 if application~~

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1 ~~for licensure is filed with the board of psychology~~  
2 ~~examiners before July 1, 1977. Any person holding a~~  
3 ~~certificate as a psychologist from the board of~~  
4 ~~examiners of the Iowa psychological association on~~  
5 ~~July 1, 1977, who applies for certification before~~  
6 ~~July 1, 1975, shall receive certification.~~

7 Sec.\_\_\_\_. Section 154D.2, subsection 2, paragraph  
8 b, Code Supplement 2005, is amended to read as  
9 follows:

10 b. Has at least two years of supervised clinical  
11 experience or its equivalent in assessing mental  
12 health needs and problems and in providing appropriate  
13 mental health services as approved by the board.  
14 Standards for supervision, including the required  
15 qualifications for supervisors, shall be determined by  
16 the board by rule.

17 Sec.\_\_\_\_. NEW SECTION. 154E.3A TEMPORARY  
18 LICENSE.

19 Beginning July 1, 2007, an individual who does not  
20 meet the requirements for licensure by examination  
21 pursuant to section 154E.3 may apply for or renew a  
22 temporary license. The temporary license shall  
23 authorize the licensee to practice as a sign language  
24 interpreter or transliterator under the direct  
25 supervision of a sign language interpreter or  
26 transliterator licensed pursuant to section 154E.3.  
27 The temporary license shall be valid for two years and  
28 may only be renewed one time in accordance with  
29 standards established by rule. An individual shall  
30 not practice for more than a total of four years under  
31 a temporary license. The board may revoke a temporary  
32 license if it determines that the temporary licensee  
33 has violated standards established by rule. The board  
34 may adopt requirements for temporary licensure to  
35 implement this section.

36 Sec.\_\_\_\_. Section 154E.4, subsection 2, Code  
37 Supplement 2005, is amended by adding the following  
38 new paragraph:

39 NEW PARAGRAPH. e. Students enrolled in a school  
40 of interpreting may interpret only under the direct  
41 supervision of a permanently licensed interpreter as  
42 part of the student's course of study.

43 Sec.\_\_\_\_. Section 157.2, subsection 1, paragraph  
44 e, Code Supplement 2005, is amended to read as  
45 follows:

46 e. Employees ~~and residents~~ of hospitals, health  
47 care facilities, orphans' homes, juvenile homes, and  
48 other similar facilities who ~~shampoo, arrange, dress,~~  
49 ~~or curl the hair of~~ perform cosmetology services for  
50 any resident without receiving direct compensation

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1 from the person receiving the service.

2 Sec.\_\_\_\_. Section 157.2, subsection 1, Code  
3 Supplement 2005, is amended by adding the following  
4 new paragraph:

5 NEW PARAGRAPH. ee. Volunteers for and residents  
6 of health care facilities, orphans' homes, juvenile  
7 homes, and other similar facilities who shampoo,  
8 arrange, dress, or curl the hair, apply makeup, or  
9 polish the nails of any resident without receiving  
10 compensation from the person receiving the service.

11 Sec.\_\_\_\_. Section 157.10, subsection 1, Code 2005,  
12 is amended to read as follows:

13 1. The course of study required for licensure for  
14 the practice of cosmetology shall be two thousand one  
15 hundred clock hours, or seventy semester credit hours  
16 or the equivalent thereof as determined pursuant to  
17 administrative rule and regulations promulgated by the  
18 United States department of education. The clock  
19 hours, and equivalent number of semester credit hours  
20 or the equivalent thereof as determined pursuant to  
21 administrative rule and regulations promulgated by the  
22 United States department of education, of a course of  
23 study required for licensure for the practices of  
24 electrology, esthetics, ~~and~~ nail technology,  
25 manicuring, and pedicuring shall be established by the  
26 board. The board shall adopt rules to define the  
27 course and content of study for each practice of  
28 cosmetology arts and sciences.

29 Sec.\_\_\_\_. Section 157.13, subsection 1, Code  
30 Supplement 2005, is amended by striking the subsection  
31 and inserting in lieu thereof the following:

32 1. It is unlawful for a person to employ an  
33 individual to practice cosmetology arts and sciences  
34 unless that individual is licensed or has obtained a  
35 temporary permit under this chapter. It is unlawful  
36 for a licensee to practice with or without  
37 compensation in any place other than a licensed salon,  
38 a licensed school of cosmetology arts and sciences, or  
39 a licensed barbershop as defined in section 158.1.  
40 The following exceptions to this subsection shall  
41 apply:

42 a. A licensee may practice at a location which is  
43 not a licensed salon, school of cosmetology arts and  
44 sciences, or licensed barbershop under extenuating  
45 circumstances arising from physical or mental  
46 disability or death of a customer.

47 b. Notwithstanding section 157.12, when the  
48 licensee is employed by a physician and provides  
49 cosmetology services at the place of practice of a  
50 physician and is under the supervision of a physician

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1 licensed to practice pursuant to chapter 148, 150, or  
2 150A.

3 c. When the practice occurs in a facility licensed  
4 pursuant to chapter 135B or 135C.

5 Sec.\_\_\_\_. Section 157.13, Code Supplement 2005, is  
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 1A. It is unlawful for a licensee  
8 to claim to be a licensed barber, however a licensed  
9 cosmetologist may work in a licensed barbershop. It  
10 is unlawful for a person to employ a licensed  
11 cosmetologist, esthetician, or electrologist to  
12 perform the services described in section 157.3A if  
13 the licensee has not received the additional training  
14 and met the other requirements specified in section  
15 157.3A."

16 90. Page 64, by inserting after line 34 the  
17 following:

18 "Sec.\_\_. Section 237A.5, subsection 2, paragraph  
19 a, subparagraph (1), Code 2005, is amended to read as  
20 follows:

21 (1) "Person subject to ~~an evaluation~~ a record  
22 check" means a person ~~who has committed a~~  
23 ~~transgression and~~ who is described by any of the  
24 following:

25 (a) The person is being considered for licensure  
26 or registration or is registered or licensed under  
27 this chapter.

28 (b) The person is being considered by a child care  
29 facility for employment involving direct  
30 responsibility for a child or with access to a child  
31 when the child is alone or is employed with such  
32 responsibilities.

33 (c) The person will reside or resides in a child  
34 care facility.

35 (d) The person has applied for or receives public  
36 funding for providing child care.

37 (e) The person will reside or resides in a child  
38 care home that is not registered under this chapter  
39 but that receives public funding for providing child  
40 care.

41 Sec.\_\_\_\_. Section 237A.5, subsection 2, paragraph  
42 a, Code 2005, is amended by adding the following new  
43 subparagraph:

44 NEW SUBPARAGRAPH. (1A) "Person subject to an  
45 evaluation" means a person subject to a record check  
46 whose record indicates that the person has committed a  
47 transgression.

48 Sec.\_\_\_\_. Section 237A.5, subsection 2, Code 2005,  
49 is amended by adding the following new paragraph:

50 NEW PARAGRAPH. aa. If an individual person

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1 subject to a record check is being considered for  
2 employment by a child care facility or child care  
3 home, in lieu of requesting a record check to be  
4 conducted by the department under paragraph "b", the  
5 child care facility or child care home may access the  
6 single contact repository established pursuant to  
7 section 135C.33 as necessary to conduct a criminal and  
8 child abuse record check of the individual. A copy of  
9 the results of the record check conducted through the  
10 single contact repository shall also be provided to  
11 the department. If the record check indicates the  
12 individual is a person subject to an evaluation, the  
13 child care facility or child care home may request  
14 that the department perform an evaluation as provided  
15 in this subsection. Otherwise, the individual shall  
16 not be employed by the child care facility or child  
17 care home.

18 Sec. \_\_\_\_\_. Section 237A.5, subsection 2, paragraph  
19 b, Code 2005, is amended to read as follows:

20 b. ~~The~~ Unless a record check has already been  
21 conducted in accordance with paragraph "aa", the  
22 department shall conduct a criminal and child abuse  
23 record checks check in this state for a person who is  
24 subject to a record check and may conduct ~~these checks~~  
25 such a check in other states. In addition, the  
26 department may conduct a dependent adult abuse, sex  
27 offender registry, ~~and or~~ other public or civil  
28 offense record ~~checks check~~ in this state or in other  
29 states for a person who is subject to a record check.  
30 ~~If the department a record check performed pursuant to~~  
31 this paragraph identifies an individual as a person  
32 subject to an evaluation, an evaluation shall be  
33 performed to determine whether prohibition of the  
34 person's involvement with child care is warranted.  
35 The evaluation shall be performed in accordance with  
36 procedures adopted for this purpose by the department.  
37 Prior to performing an evaluation, the department  
38 shall notify the affected person, licensee,  
39 registrant, or child care home applying for or  
40 receiving public funding for providing child care,  
41 that an evaluation will be conducted to determine  
42 whether prohibition of the person's involvement with  
43 child care is warranted."

44 91. Page 64, by inserting before line 35 the  
45 following:

46 "Sec. \_\_\_\_\_. Section 249J.5, Code Supplement 2005,  
47 is amended by adding the following new subsection:  
48 NEW SUBSECTION. 9. Following initial enrollment,  
49 an expansion population member shall reenroll annually  
50 by the last day of the month preceding the month in

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1 which the expansion population member initially  
2 enrolled. The department may provide a process for  
3 automatic reenrollment of expansion population  
4 members."

5 92. Page 65, by striking lines 2 through 17 and  
6 inserting the following:

7 "a. ~~Beginning no later than March 1, 2006, within~~  
8 ~~ninety days of enrollment in the expansion population,~~  
9 ~~each~~ Each expansion population member who enrolls o  
10 reenrolls in the expansion population on or after  
11 January 31, 2007, shall participate, in conjunction  
12 with receiving a single comprehensive medical  
13 examination and completing a personal health  
14 improvement plan, in a health risk assessment  
15 coordinated by a health consortium representing  
16 providers, consumers, and medical education  
17 institutions. ~~An expansion population member who~~  
18 ~~enrolls in the expansion population prior to March 1,~~  
19 ~~2006, shall participate in the health risk assessment,~~  
20 ~~receive the single comprehensive medical examination,~~  
21 ~~and complete the personal health improvement plan by~~  
22 ~~June 1, 2006.~~ The criteria for the health risk  
23 assessment, the comprehensive medical examination, and  
24 the personal health improvement plan shall be  
25 developed and applied in a manner that takes into  
26 consideration cultural variations that may exist  
27 within the expansion population."

28 93. Page 65, by inserting after line 24 the  
29 following:

30 "Sec. \_\_\_\_\_. Section 249J.6, subsection 2, Code  
31 Supplement 2005, is amended by adding the following  
32 new paragraphs:

33 NEW PARAGRAPH. d. Following completion of an  
34 initial health risk assessment, comprehensive medical  
35 examination, and personal health improvement plan, an  
36 expansion population member may complete subsequent  
37 assessments, examinations, or plans with the  
38 recommendation and approval of a provider specified in  
39 paragraph "c".

40 NEW PARAGRAPH. e. Refusal of an expansion  
41 population member to participate in a health risk  
42 assessment, comprehensive medical examination, or  
43 personal health improvement plan shall not be a basis  
44 for ineligibility for or disenrollment from the  
45 expansion population.

46 Sec. \_\_\_\_\_. Section 249J.8, subsections 1 and 2,  
47 Code Supplement 2005, are amended to read as follows:

48 1. Beginning July 1, 2005, each expansion  
49 population member whose family income equals or  
50 exceeds one hundred percent of the federal poverty



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1 level as defined by the most recently revised poverty  
2 income guidelines published by the United States  
3 department of health and human services shall pay a  
4 monthly premium not to exceed one-twelfth of five  
5 percent of the member's annual family income, and each  
6 expansion population member whose family income is  
7 less than one hundred percent of the federal poverty  
8 level as defined by the most recently revised poverty  
9 income guidelines published by the United States  
10 department of health and human services shall pay a  
11 monthly premium not to exceed one-twelfth of two  
12 percent of the member's annual family income. All  
13 premiums shall be paid on the last day of the month of  
14 coverage. The department shall deduct the amount of  
15 any monthly premiums paid by an expansion population  
16 member for benefits under the healthy and well kids in  
17 Iowa program when computing the amount of monthly  
18 premiums owed under this subsection. An expansion  
19 population member shall pay the monthly premium during  
20 the entire period of the member's enrollment.  
21 ~~However, regardless~~ Regardless of the length of  
22 enrollment, the member is subject to payment of the  
23 premium for a minimum of four consecutive months.  
24 However, an expansion population member who complies  
25 with the requirement of payment of the premium for a  
26 minimum of four consecutive months during a  
27 consecutive twelve-month period of enrollment shall be  
28 deemed to have complied with this requirement for the  
29 subsequent consecutive twelve-month period of  
30 enrollment and shall only be subject to payment of the  
31 monthly premium on a month-by-month basis. Timely  
32 payment of premiums, including any arrearages accrued  
33 from prior enrollment, is a condition of receiving any  
34 expansion population services. Premiums collected  
35 under this subsection shall be deposited in the  
36 premiums subaccount of the account for health care  
37 transformation created pursuant to section 249J.23.  
38 An expansion population member shall also pay the same  
39 copayments required of other adult recipients of  
40 medical assistance.

41 2. The department may reduce the required out-of-  
42 pocket expenditures for an individual expansion  
43 population member based upon the member's increased  
44 wellness activities such as smoking cessation or  
45 compliance with the personal health improvement plan  
46 completed by the member. The department shall also  
47 waive the required out-of-pocket expenditures for an  
48 individual expansion population member based upon a  
49 hardship that would accrue from imposing such required  
50 expenditures. Information regarding the premium

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1 payment obligation and the hardship exemption,  
2 including the process by which a prospective enrollee  
3 may apply for the hardship exemption, shall be  
4 provided to a prospective enrollee at the time of  
5 application. The prospective enrollee shall  
6 acknowledge, in writing, receipt and understanding of  
7 the information provided."

8 94. Page 65, by inserting after line 35 the  
9 following:

10 "Sec. \_\_\_\_\_. Section 249J.24, subsections 1 and 6,  
11 Code Supplement 2005, are amended to read as follows:

12 1. An IowaCare account is created in the state  
13 treasury under the authority of the department of  
14 human services. Moneys appropriated from the general  
15 fund of the state to the account, moneys received as  
16 federal financial participation funds under the  
17 expansion population provisions of this chapter and  
18 credited to the account, moneys received for  
19 disproportionate share hospitals and credited to the  
20 account, moneys received for graduate medical  
21 education and credited to the account, proceeds  
22 ~~transferred~~ distributed from the county treasurer as  
23 specified in subsection 6, and moneys from any other  
24 source credited to the account shall be deposited in  
25 the account. Moneys deposited in or credited to the  
26 account shall be used only as provided in  
27 appropriations or distributions from the account for  
28 the purposes specified in the appropriation or  
29 distribution. Moneys in the account shall be  
30 appropriated to the university of Iowa hospitals and  
31 clinics, to a publicly owned acute care teaching  
32 hospital located in a county with a population over  
33 three hundred fifty thousand, and to the state  
34 hospitals for persons with mental illness designated  
35 pursuant to section 226.1 for the purposes provided in  
36 the federal law making the funds available or as  
37 specified in the state appropriation and shall be  
38 distributed as determined by the department.

39 6. a. Notwithstanding any provision to the  
40 contrary, ~~from each semiannual~~ for the collection of  
41 taxes levied under section 347.7 for which the  
42 collection is performed after July 1, 2005, the county  
43 treasurer of a county with a population over three  
44 hundred fifty thousand in which a publicly owned acute  
45 care teaching hospital is located shall ~~transfer~~  
46 distribute the proceeds collected pursuant to section  
47 347.7 in a total amount of thirty-four million dollars  
48 annually, which would otherwise be distributed to the  
49 county hospital, to the treasurer of state for deposit  
50 in the IowaCare account under this section as follows:

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1 (1) The first seventeen million dollars in  
2 collections pursuant to section 347.7 between July 1  
3 and December 31 annually shall be distributed to the  
4 treasurer of state for deposit in the IowaCare account  
5 and collections during this time period in excess of  
6 seventeen million dollars shall be distributed to the  
7 acute care teaching hospital identified in this  
8 subsection.

9 (2) The first seventeen million dollars in  
10 collections pursuant to section 347.7 between January  
11 1 and June 30 annually shall be distributed to the  
12 treasurer of state for deposit in the IowaCare account  
13 and collections during this time period in excess of  
14 seventeen million dollars shall be distributed to the  
15 acute care teaching hospital identified in this  
16 subsection.

17 b. The board of trustees of the acute care  
18 teaching hospital identified in this subsection and  
19 the department shall execute an agreement under  
20 chapter 28E by July 1, 2005, and annually by July 1,  
21 thereafter, to specify the requirements relative to  
22 ~~transfer~~ distribution of the proceeds and the  
23 distribution of moneys to the hospital from the  
24 IowaCare account. The agreement shall include  
25 provisions relating to exceptions to the deadline for  
26 submission of clean claims as required pursuant to  
27 section 249J.7 and provisions relating to data  
28 reporting requirements regarding the expansion  
29 population. The agreement may also include a  
30 provision allowing such hospital to limit access to  
31 such hospital by expansion population members based on  
32 residency of the member, if such provision reflects  
33 the policy of such hospital regarding indigent  
34 patients existing on April 1, 2005, as adopted by its  
35 board of hospital trustees pursuant to section 347.14,  
36 subsection 4.

37 c. Notwithstanding the specified amount of  
38 proceeds to be ~~transferred~~ distributed under this  
39 subsection, if the amount allocated that does not  
40 require federal matching funds under an appropriation  
41 in a subsequent fiscal year to such hospital for  
42 medical and surgical treatment of indigent patients,  
43 for provision of services to expansion population  
44 members, and for medical education, is reduced from  
45 the amount allocated that does not require federal  
46 matching funds under the appropriation for the fiscal  
47 year beginning July 1, 2005, the amount of proceeds  
48 required to be ~~transferred~~ distributed under this  
49 subsection in that subsequent fiscal year shall be  
50 reduced in the same amount as the amount allocated

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1 that does not require federal matching funds under  
2 that appropriation."  
3 95. Page 66, by inserting after line 10 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 272C.1, subsection 6, Code  
6 Supplement 2005, is amended by adding the following  
7 new paragraph:  
8 NEW PARAGRAPH. ad. The director of public health  
9 in certifying emergency medical care providers and  
10 emergency medical care services pursuant to chapter  
11 147A.  
12 Sec. \_\_\_\_\_. Section 691.6, Code Supplement 2005, is  
13 amended by adding the following new subsection:  
14 NEW SUBSECTION. 8. To retain tissues, organs, and  
15 bodily fluids as necessary to determine the cause and  
16 manner of death or as deemed advisable by the state  
17 medical examiner for medical or public health  
18 investigation, teaching, or research. Tissues,  
19 organs, and bodily fluids shall be properly disposed  
20 of by following procedures and precautions for  
21 handling biologic material and blood-borne pathogens  
22 as established by rule.  
23 Sec. \_\_\_\_\_. CHILD SUPPORT RECOVERY UNIT REPORT –  
24 LIMITATION. If 2006 Iowa Acts, [House File 2332](#), is  
25 enacted, the section of the Act relating to the child  
26 support recovery unit submitting a report on the  
27 effects of the nonsupport provision under section  
28 726.5, as amended in that Act, shall be limited in  
29 scope to cases in which the child support recovery  
30 unit is providing services pursuant to chapter 252B.  
31 Sec. \_\_\_\_\_. 2004 Iowa Acts, chapter 1175, section  
32 432, subsection 3, is amended to read as follows:  
33 3. Applicants issued a temporary license pursuant  
34 to this section shall pass a licensure examination  
35 approved by the board on or before July 1, 2007, in  
36 order to ~~remain licensed as an interpreter~~ qualify to  
37 be licensed by examination."  
38 96. Page 66, line 33, by inserting after the  
39 figure "500,000," the following: "shall be credited  
40 to the general fund of the state, and the remainder".  
41 97. Page 67, by inserting after line 21 the  
42 following:  
43 "Sec. \_\_\_\_\_. Section 157.5A, Code 2005, is  
44 repealed."  
45 98. Page 67, by striking lines 22 through 24 and  
46 inserting the following:  
47 "Sec. \_\_\_\_\_. EFFECTIVE DATE. The provisions of this  
48 division of this Act amending sections 249J.5, 249J.8,  
49 249J.20, and 249J.24, being deemed of immediate  
50 importance, take effect upon enactment.

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- 1 Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
 2 APPLICABILITY. The sections of this division of this  
 3 Act amending section 249J.6, being deemed of immediate  
 4 importance, take effect upon enactment and are  
 5 retroactively applicable to March 1, 2006."  
 6 99. Title page, line 4, by inserting after the  
 7 word "home," the following: "the department of human  
 8 rights,".  
 9 100. Title page, line 7, by striking the words  
 10 "providing effective dates" and inserting the  
 11 following: "including effective, applicability, and  
 12 retroactive applicability date provisions".  
 13 101. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8650](#).

Heaton of Henry 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. 2734](#))

The ayes were, 94:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	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	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 6:

Fallon	Hunter	Jones	Lensing
Olson, R.	Zirkelbach		

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

#### 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 3, 2006, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2399](#), a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including an effective date.

MICHAEL E. MARSHALL, Secretary

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of [House Resolution 176](#).

#### ADOPTION OF [HOUSE RESOLUTION 176](#)

Alons of Sioux called up for consideration [House Resolution 176](#), a resolution conferring authority upon the standing Committee on Government Oversight to conduct an investigation into the compensation levels, use of public moneys, personnel, operations, funding, and oversight of the Central Iowa Employment and Training Consortium, the Iowa Department of Workforce Development, and all matters reasonably related thereto, as follows:

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-8642](#) filed by him from the floor.

D. Olson of Boone asked and received unanimous consent to withdraw amendment [H-8651](#) filed by him from the floor.

On motion by Alons of Sioux the resolution was adopted.

The House stood at ease at 9:50 p.m., until the fall of the gavel.

The House resumed session at 11:13 p.m., Speaker pro tempore Carroll in the chair.

#### 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 3, 2006, adopted the conference committee report and passed [House File 2540](#), a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees.

MICHAEL E. MARSHALL, Secretary

#### PRESENTATION TO RETIRING MEMBERS AND LEADERS

Speaker Rants and Majority Leader Gipp invited to the well of the House, for special recognition for members of the House who will be retiring or are a candidate for the Iowa Senate. Plaques were presented to the following:

Bill Dix, District 17	1997 – 2006
Jeff Elgin, District 37	2001 – 2006
Ed Fallon, District 66	1993 – 2006
Robert Hogg, District 38	2003 – 2006
G. Willard Jenkins, District 20	1997 – 2006
Gerald Jones, District 98	2001 – 2006
O. Gene Maddox, District 59	1993 – 2002 in the Senate 2003 – 2006 in the House of Representatives

The House rose and expressed its appreciation.

House Speaker Christopher C. Rants, Majority Leader Chuck Gipp and Minority Leader Patrick Murphy were invited to the Speakers station for a special presentation.

Speaker pro tempore Carroll and Jacobs of Polk, on behalf of the House, presented plaques to each leader in appreciation of his service and dedication to the Iowa House of Representatives during the Eighty-first General Assembly.

The House rose and expressed its appreciation.

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of [House File 2798](#).

#### Regular Calendar

[House File 2798](#), a bill for an act relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable, was taken up for consideration.

Alons of Sioux offered the following amendment [H-8652](#) filed by him from the floor and moved its adoption:

#### [H-8652](#)

- 1 Amend [House File 2798](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 GOVERNMENT ACCOUNTABILITY
- 6 Section 1. NEW SECTION. 8F.1 PURPOSE.
- 7 This chapter is intended to create mechanisms to
- 8 most effectively and efficiently monitor the
- 9 utilization of public moneys by providing the greatest
- 10 possible accountability for the expenditure of public
- 11 moneys.
- 12 Sec. 2. NEW SECTION. 8F.2 DEFINITIONS.
- 13 As used in this chapter, unless the context
- 14 otherwise requires:
- 15 1. "Agency" means a unit of state government,
- 16 which is an authority, board, commission, committee,
- 17 council, department, examining board, or independent
- 18 agency as defined in section 7E.4, including but not
- 19 limited to each principal central department



20 enumerated in section 7E.5. However, "agency" does  
21 not mean the Iowa public employees' retirement system  
22 created under chapter 97B, the public broadcasting  
23 division of the department of education created under  
24 section 256.81, the statewide fire and police  
25 retirement system created under chapter 411, or an  
26 agricultural commodity promotion board subject to a  
27 producer referendum.

28 2. "Compensation" means payment of, or agreement  
29 to pay, any money, thing of value, or financial  
30 benefit conferred in return for labor or services  
31 rendered by an officer, employee, or other person plus  
32 the value of benefits including but not limited to  
33 casualty, disability, life, or health insurance, other  
34 health or wellness benefits, vacations, holidays, and  
35 sick leave, severance payments, retirement benefits,  
36 and deferred compensation.

37 3. "Intergovernmental entity" means any separate  
38 organization established in accordance with chapter  
39 28E or established by any other agreement between an  
40 agency and any other governmental entity, whether  
41 federal, state, or local, and any department,  
42 division, unit or subdivision thereof.

43 "Intergovernmental entity" does not include an  
44 organization established or agreement made in  
45 accordance with chapter 28E between state agencies.

46 4. "Oversight agency" means an agency that  
47 contracts with and disburses state or federal moneys  
48 to a recipient entity.

49 5. "Private agency" means an individual or any  
50 form of business organization, including a nonprofit

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1 organization, authorized under the laws of this state  
2 or any other state or under the laws of any foreign  
3 jurisdiction.

4 6. "Recipient entity" means an intergovernmental  
5 entity or a private agency that enters into a service  
6 contract with an oversight agency to provide services  
7 which will be paid for with local governmental, state,  
8 or federal moneys.

9 7. "Service" or "services" means work performed  
10 for an oversight agency or for its client.

11 8. a. "Service contract" means a contract for a  
12 service or services when the predominant factor,  
13 thrust, and purpose of the contract as reasonably  
14 stated is for the provision of services. When there  
15 is a contract for goods and services and the  
16 predominant factor, thrust, and purpose of the  
17 contract as reasonably stated is for the provision or  
18 rendering of services with goods incidentally

19 involved, a service contract exists. "Service  
20 contract" includes grants when the predominant factor,  
21 thrust, and purpose of the contract formalizing the  
22 grant is for the provision of services. For purposes  
23 of this chapter, a service contract only exists when  
24 an individual service contract or a series of service  
25 contracts entered into between an oversight agency and  
26 a recipient entity exceeds five hundred thousand  
27 dollars or when the grant or contract together with  
28 other grants or contracts awarded to the recipient  
29 entity by the oversight agency during the oversight  
30 agency's fiscal year exceeds five hundred thousand  
31 dollars in the aggregate.

32 b. "Service contract" does not mean any of the  
33 following:

34 (1) A contract that involves services related to  
35 transportation or the construction, reconstruction,  
36 improvement, repair, or maintenance of the  
37 transportation system.

38 (2) A contract concerning the public safety peace  
39 officers' retirement system created under chapter 97A,  
40 the judicial retirement system governed by chapter  
41 602, article 9, or the deferred compensation plan  
42 established by the executive council pursuant to  
43 section 509A.12.

44 (3) A contract for services provided for the  
45 operation, construction, or maintenance of a public  
46 utility, combined public utility, or a city enterprise  
47 as defined by section 384.24.

48 (4) A contract for dual party relay service  
49 required by section 477C.3 or for the equipment  
50 distribution program established under the authority

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1 of section 477C.4.

2 (5) A contract for services provided from  
3 resources made available under Title XVIII, XIX, or  
4 XXI of the federal Social Security Act.

5 (6) A contract for a court-appointed attorney.

6 (7) A contract with a federally insured financial  
7 institution that is subject to mandatory periodic  
8 examinations by a state or federal regulator.

9 (8) Any allocation of state or federal moneys by  
10 the department of education to subrecipients on a  
11 formula or noncompetitive basis.

12 (9) A contract for services provided by a person  
13 subject to regulation under Title XIII of the Code.

14 (10) A contract for vendor services.

15 (11) A contract concerning an entity that has  
16 contracted with the state and is licensed and  
17 regulated by the insurance division of the department

18 of commerce.

19 (12) A contract with outside counsel or special  
20 counsel executed by the executive council pursuant to  
21 section 13.3 or 13.7.

22 (13) A contract that is subject to competitive  
23 bidding for the construction, reconstruction,  
24 improvement, or repair of a public building or public  
25 improvement.

26 9. "Vendor services" means services or goods  
27 provided by a vendor that are required for the conduct  
28 of a state or federal program for an organization's  
29 own use or for the use of beneficiaries of the state  
30 or federal program and which are ancillary to the  
31 operation of the state or federal program under a  
32 service contract and not otherwise subject to  
33 compliance requirements of the state or federal  
34 program. For purposes of this subsection, "vendor"  
35 means a dealer, distributor, merchant, or other seller  
36 which provides goods and services within normal  
37 business operations, provides similar goods or  
38 services to many different purchasers, and operates in  
39 a competitive environment.

40 Sec. 3. NEW SECTION. 8F.3 CONTRACTUAL  
41 REQUIREMENTS.

42 1. As a condition of entering into a service  
43 contract with an oversight agency, a recipient entity  
44 shall certify that the recipient has the following  
45 information available for inspection by the oversight  
46 agency and the legislative services agency:  
47 a. Information documenting the legal status of the  
48 recipient entity, such as agreements establishing the  
49 entity pursuant to chapter 28E or other  
50 intergovernmental agreements, articles of

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1 incorporation, bylaws, or any other information  
2 related to the establishment or status of the entity.  
3 In addition, the information shall indicate whether  
4 the recipient entity is exempt from federal income  
5 taxes under section 501(c), of the Internal Revenue  
6 Code.

7 b. Information regarding the training and  
8 education received by the members of the governing  
9 body of the recipient entity relating to the duties  
10 and legal responsibilities of the governing body.

11 c. Information regarding the procedures used by  
12 the governing body of the recipient entity to do all  
13 of the following:

14 (1) Review the performance of management employees  
15 and establish the compensation of those employees.

16 (2) Review the recipient entity's internal

17 controls relating to accounting processes and  
18 procedures.  
19 (3) Review the recipient entity's compliance with  
20 the laws, rules, regulations, and contractual  
21 agreements applicable to its operations.  
22 (4) Information regarding adopted ethical and  
23 professional standards of operation for the governing  
24 body and employees of the recipient entity and  
25 information concerning the implementation of these  
26 standards and the training of employees and members of  
27 the governing body on the standards. The standards  
28 shall include but not be limited to a nepotism policy  
29 which shall provide, at a minimum, for disclosure of  
30 familial relationships among employees and between  
31 employees and members of the governing body, policies  
32 regarding conflicts of interest, standards of  
33 responsibility and obedience to law, fairness, and  
34 honesty.  
35 d. Information regarding any policies adopted by  
36 the governing body of the recipient entity that  
37 prohibit taking adverse employment action against  
38 employees of the recipient entity who disclose  
39 information about a service contract to the oversight  
40 agency, the auditor of state, or the office of  
41 citizens' aide and that state whether those policies  
42 are substantially similar to the protection provided  
43 to state employees under section 70A.28. The  
44 information provided shall state whether employees of  
45 the recipient entity are informed on a regular basis  
46 of their rights to disclose information to the  
47 oversight agency, the office of citizens' aide, the  
48 auditor of state, or the office of the attorney  
49 general and the telephone numbers of those  
50 organizations.

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1 2. The certification required by this section  
2 shall be signed by an officer and director of the  
3 recipient entity, two directors of the recipient  
4 entity, or the sole proprietor of the recipient  
5 entity, whichever is applicable, and shall state that  
6 the recipient entity is in full compliance with all  
7 laws, rules, regulations, and contractual agreements  
8 applicable to the recipient entity and the  
9 requirements of this chapter.  
10 3. Prior to entering into a service contract with  
11 a recipient entity, the oversight agency shall  
12 determine whether the recipient entity can reasonably  
13 be expected to comply with the requirements of the  
14 service contract. If the oversight entity is unable  
15 to determine whether the recipient entity can

16 reasonably be expected to comply with the requirements  
17 of the service contract, the oversight entity shall  
18 request such information from the recipient entity as  
19 described in subsection 1 to make a determination. If  
20 the oversight agency determines from the information  
21 provided that the recipient entity cannot reasonably  
22 be expected to comply with the requirements of the  
23 service contract, the oversight agency shall not enter  
24 into the service contract.

25 Sec. 4. NEW SECTION. 8F.4 REPORTING  
26 REQUIREMENTS.

27 1. a. As a condition of continuing to receive  
28 state or federal moneys through an oversight agency  
29 for a service contract, a recipient entity shall file  
30 an annual report with the oversight agency and with  
31 the legislative services agency within ten months  
32 following the end of the recipient entity's fiscal  
33 year.

34 b. However, the annual report shall not be  
35 required to be filed under any of the following  
36 circumstances:

37 (1) The recipient entity reports information  
38 otherwise required to be included in an annual report  
39 described in subsection 2 to the oversight agency  
40 pursuant to federal or state statutes or rules. The  
41 information otherwise required to be reported to the  
42 oversight agency shall be filed with the legislative  
43 services agency.

44 (2) The recipient entity is recognized by the  
45 Internal Revenue Code as a nonprofit organization or  
46 entity and provides a copy of the internal revenue  
47 service form 990 for all fiscal years in which service  
48 contract revenues are reported.

49 2. The annual report required to be filed pursuant  
50 to this section shall contain the following:

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1 a. Financial information relative to the  
2 expenditure of state and federal moneys for the prior  
3 year pursuant to the service contract. The financial  
4 information shall include but is not limited to budget  
5 and actual revenue and expenditure information for the  
6 year covered.

7 b. Financial information relating to service  
8 contracts with the oversight agency during the  
9 preceding year, including the costs by category to  
10 provide the contracted services.

11 c. Reportable conditions in internal control or  
12 material noncompliance with provisions of laws, rules,  
13 regulations, or contractual agreements included in  
14 external audit reports of the recipient entity

15 covering the preceding year.

16 d. Corrective action taken or planned by the  
17 recipient entity in response to reportable conditions  
18 in internal control or material noncompliance with  
19 laws, rules, regulations, or contractual agreements  
20 included in external audit reports covering the  
21 preceding year.

22 e. Any changes in the information submitted in  
23 accordance with section 8F.3.

24 f. A certification signed by an officer and  
25 director of the recipient entity, two directors of the  
26 recipient entity, or the sole proprietor of the  
27 recipient entity, whichever is applicable, stating the  
28 annual report is accurate and the recipient entity is  
29 in full compliance with all laws, rules, regulations,  
30 and contractual agreements applicable to the recipient  
31 entity and the requirements of this chapter.

32 3. A recipient entity shall be required to submit  
33 such information as requested by the oversight agency  
34 or the legislative services agency relating to the  
35 entity's expenditure of state and federal moneys.

36 Sec. 5. NEW SECTION. 8F.5 ENFORCEMENT.

37 Any service contract awarded to a recipient entity  
38 shall provide that the oversight agency may terminate  
39 the service contract if the recipient entity, during  
40 the duration of the contract, fails to comply with the  
41 requirements of this chapter. In addition, the  
42 service contract shall provide a mechanism for the  
43 forfeiture and recovery of state or federal funds  
44 expended by a recipient entity in violation of the  
45 laws applicable to the expenditure of the money or the  
46 requirements of the service contract and this chapter.

47 Sec. 6. Section 8E.208, Code 2005, is amended by  
48 adding the following new unnumbered paragraph:  
49 NEW UNNUMBERED PARAGRAPH. Performance measurement  
50 is essential to ensuring adequate accountability over

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1 public resources and the exchange of public resources  
2 for desirable and acceptable public benefits.  
3 Performance measurement must include an assessment of  
4 whether agencies have adequate control procedures in  
5 place, and whether those control procedures are  
6 operating effectively, to determine that agencies are  
7 receiving or providing services of adequate quality,  
8 public resources are being used effectively and  
9 efficiently, and public resources are being used for  
10 appropriate and meaningful activities.

11 Sec. 7. Section 28E.6, Code 2005, is amended to  
12 read as follows:

13 28E.6 ADDITIONAL PROVISIONS.

14 1. If the agreement does not establish a separate  
15 legal entity to conduct the joint or co-operative  
16 undertaking, the agreement shall also include:  
17 ~~4. a. Provision for an administrator or a joint~~  
18 ~~board responsible for administering the joint or~~  
19 ~~co-operative undertaking. In the case of a joint~~  
20 ~~board, public agencies party to the agreement shall be~~  
21 ~~represented.~~  
22 ~~2. b. The manner of acquiring, holding and~~  
23 ~~disposing of real and personal property used in the~~  
24 ~~joint or co-operative undertaking.~~  
25 2. The entity created or the administrator or  
26 joint board specified in the agreement shall be a  
27 governmental body for purposes of chapter 21 and a  
28 government body for purposes of chapter 22 unless the  
29 entity created or agreement includes public agencies  
30 from more than one state.  
31 3. All proceedings of each regular, adjourned, or  
32 special meeting of the entity created or the  
33 administrator or joint board specified in the  
34 agreement, including the schedule of bills allowed,  
35 shall be published after adjournment of the meeting in  
36 a newspaper of general circulation within the  
37 geographic area served by the entity created or the  
38 administrator or joint board specified in the  
39 agreement. The entity created or the administrator or  
40 joint board specified in the agreement shall furnish a  
41 copy of the proceedings to be published to the  
42 newspaper within one week following adjournment of the  
43 meeting. The publication of the schedule of bills  
44 allowed shall include a list of all salaries paid for  
45 services performed, showing the name of the person or  
46 firm performing the service and the amount paid.  
47 However, the names and gross salaries of persons  
48 regularly employed by the entity created or the  
49 administrator or joint board specified in the  
50 agreement shall only be published annually. This

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1 subsection shall not apply if the entity or the  
2 administrator or joint board specified in the  
3 agreement includes public agencies from more than one  
4 state.  
5 Sec. 8. ELECTRONIC SUBMISSION OF CONTRACTS –  
6 REPORT. The department of administrative services  
7 shall submit a report concerning steps necessary to  
8 provide for the electronic submission and retention of  
9 contracts by the department. The department shall  
10 submit the report, with its findings and  
11 recommendations, to the general assembly by December  
12 1, 2006. The report shall identify any costs

13 associated with implementing the recommendations of  
14 the report.

15 Sec. 9. IMPLEMENTATION PROVISION.

16 1. This division of this Act applies to service  
17 contracts entered into or renewed by an oversight  
18 agency, as those terms are defined in section 8F.2 as  
19 created in this division of this Act, on or after  
20 October 1, 2006.

21 2. The section of this division of this Act  
22 amending Code section 28E.6 is applicable on or after  
23 July 1, 2006.

24 DIVISION II

25 AUDITOR OF STATE DUTIES

26 Sec. 10. Section 11.36, Code 2005, is amended by  
27 striking the section and inserting in lieu thereof the  
28 following:

29 11.36 REVIEW OF ENTITIES RECEIVING PUBLIC MONEYS.

30 1. The auditor of state may, at the request of a  
31 department, review, during normal business hours upon  
32 reasonable notice of at least twenty-four hours, the  
33 audit working papers prepared by a certified public  
34 accountant covering the receipt and expenditure of  
35 state or federal funds provided by the department to  
36 any other entity to determine if the receipt and  
37 expenditure of those funds by the entity is consistent  
38 with the laws, rules, regulations, and contractual  
39 agreements governing those funds. Upon completion of  
40 the review, the auditor of state shall report whether,  
41 in the auditor of state's judgment, the auditor of  
42 state believes the certified public accountant's  
43 working papers adequately demonstrate that the laws,  
44 rules, regulations, and contractual agreements  
45 governing the funds have been substantially complied  
46 with. If the auditor of state does not believe the  
47 certified public accountant's working papers  
48 adequately demonstrate that the laws, rules,  
49 regulations, and contractual agreements have been  
50 substantially complied with or believes a complete or

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1 partial reaudit is necessary based on the provisions  
2 of section 11.6, subsection 4, paragraph "a", or "b",  
3 the auditor of state shall notify the certified public  
4 accountant and the department of the actions the  
5 auditor of state believes are necessary to determine  
6 that the entity is in substantial compliance with  
7 those laws, rules, regulations, and contractual  
8 agreements. The auditor of state may assist  
9 departments with actions to determine that the entity  
10 is in substantial compliance. Departments shall  
11 reimburse the auditor of state for the cost of the



12 review and any subsequent assistance provided by the  
13 auditor of state.

14 2. The auditor of state may, at the request of a  
15 department, review the records covering the receipt  
16 and expenditure of state or federal funds provided by  
17 the department to any other entity which has not been  
18 audited by a certified public accountant to determine  
19 if the receipt and expenditure of those funds by the  
20 entity is consistent with the laws, rules,  
21 regulations, and contractual agreements governing  
22 those funds. Upon completion of the review, the  
23 auditor of state shall report whether, in the auditor  
24 of state's judgment, the auditor of state believes the  
25 entity adequately demonstrated that the laws, rules,  
26 regulations, and contractual agreements governing the  
27 funds have been substantially complied with. If the  
28 auditor of state does not believe the entity  
29 adequately demonstrated that the laws, rules,  
30 regulations, and contractual agreements have been  
31 substantially complied with, the auditor of state  
32 shall notify the department of the actions the auditor  
33 of state believes are necessary to determine that the  
34 entity is in substantial compliance with those laws,  
35 rules, regulations, and contractual agreements. The  
36 auditor of state may assist a department with actions  
37 to determine that the entity is in substantial  
38 compliance. Departments shall reimburse the auditor  
39 of state for the cost of the review and any subsequent  
40 assistance provided by the auditor of state.

41 3. When, in the auditor of state's judgment, the  
42 auditor of state finds that sufficient information is  
43 available to demonstrate that an entity receiving  
44 state or federal funds from a department may not have  
45 substantially complied with the laws, rules,  
46 regulations, and contractual agreements governing  
47 those funds, the auditor of state shall notify the  
48 department providing those funds to the entity of the  
49 auditor of state's finding. The department shall  
50 cooperate with the auditor of state to establish

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1 actions to be taken to determine whether substantial  
2 compliance with those laws, rules, regulations, and  
3 contractual agreements has been achieved by the entity  
4 receiving the state or federal funds from the  
5 department. Departments shall reimburse the auditor  
6 of state for any actions taken by the auditor of state  
7 to determine whether the entity has substantially  
8 complied with the laws, rules, regulations, and  
9 contractual agreements governing the funds provided by  
10 the department for costs expended after the date the

11 auditor of state notifies the department of an issue  
 12 involving substantial compliance pursuant to the  
 13 requirements of this subsection.

14 Sec. 11. NEW SECTION. 11.37 ACCESS TO  
 15 CONFIDENTIAL INFORMATION.

16 1. The auditor of state, when conducting any audit  
 17 or review required or permitted by this chapter, shall  
 18 at all times have access to all information, records,  
 19 instrumentalities, and properties used in the  
 20 performance of the audited or reviewed entities'  
 21 statutory duties or contractual responsibilities. All  
 22 audited or reviewed entities shall cooperate with the  
 23 auditor of state in the performance of the audit or  
 24 review and make available the information, records,  
 25 instrumentalities, and properties upon the request of  
 26 the auditor of state.

27 2. If the information, records, instrumentalities,  
 28 and properties sought by the auditor of state are  
 29 required by law to be kept confidential, the auditor  
 30 of state shall have access to the information,  
 31 records, instrumentalities, and properties, but shall  
 32 maintain the confidentiality of all such information  
 33 and is subject to the same penalties as the lawful  
 34 custodian of the information for dissemination of the  
 35 information. However, the auditor of state shall not  
 36 have access to the income tax returns of individuals.

#### 37 DIVISION III

#### 38 CITIZENS' AIDE DUTIES –

#### 39 DISCLOSURES OF INFORMATION

40 Sec. 12. Section 2C.9, subsection 1, Code 2005, is  
 41 amended to read as follows:

42 1. Investigate, on complaint or on the citizens'  
 43 aide's own motion, any administrative action of any  
 44 agency, without regard to the finality of the  
 45 administrative action, except that the citizens' aide  
 46 shall not investigate the complaint of an employee of  
 47 an agency in regard to that employee's employment  
 48 relationship with the agency except as otherwise  
 49 provided by this chapter. A communication or receipt  
 50 of information made pursuant to the powers prescribed

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1 in this chapter shall not be considered an ex parte  
 2 communication as described in the provisions of  
 3 section 17A.17.

4 Sec. 13. NEW SECTION. 2C.11A SUBJECTS FOR  
 5 INVESTIGATIONS – DISCLOSURES OF INFORMATION.

6 The office of citizens' aide shall investigate a  
 7 complaint filed by an employee who is not a merit  
 8 system employee or an employee covered by a collective  
 9 bargaining agreement and who alleges that adverse

10 employment action has been taken against the employee  
11 in violation of section 70A.28, subsection 2. A  
12 complaint filed pursuant to this section shall be made  
13 within thirty calendar days following the effective  
14 date of the adverse employment action. The citizens'  
15 aide shall investigate the matter and shall issue  
16 findings relative to the complaint in an expeditious  
17 manner.

18 Sec. 14. Section 70A.28, subsection 2, Code 2005,  
19 is amended to read as follows:

20 2. A person shall not discharge an employee from  
21 or take or fail to take action regarding an employee's  
22 appointment or proposed appointment to, promotion or  
23 proposed promotion to, or any advantage in, a position  
24 in a state employment system administered by, or  
25 subject to approval of, a state agency as a reprisal  
26 for a failure by that employee to inform the person  
27 that the employee made a disclosure of information  
28 permitted by this section, or for a disclosure of any  
29 information by that employee to a member or employee  
30 of the general assembly, a disclosure of information  
31 to the office of citizens' aide, or a disclosure of  
32 information to any other public official or law  
33 enforcement agency if the employee reasonably believes  
34 the information evidences a violation of law or rule,  
35 mismanagement, a gross abuse of funds, an abuse of  
36 authority, or a substantial and specific danger to  
37 public health or safety. However, an employee may be  
38 required to inform the person that the employee made a  
39 disclosure of information permitted by this section if  
40 the employee represented that the disclosure was the  
41 official position of the employee's immediate  
42 supervisor or employer.

43 Sec. 15. Section 70A.28, Code 2005, is amended by  
44 adding the following new subsection:

45 NEW SUBSECTION. 5A. Subsection 2 may also be  
46 enforced by an employee through an administrative  
47 action pursuant to the requirements of this subsection  
48 if the employee is not a merit system employee or an  
49 employee covered by a collective bargaining agreement.  
50 An employee eligible to pursue an administrative

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1 action pursuant to this subsection who is discharged,  
2 suspended, demoted, or otherwise reduced in pay and  
3 who believes the adverse employment action was taken  
4 as a result of the employee's disclosure of  
5 information that was authorized pursuant to subsection  
6 2, may file an appeal of the adverse employment action  
7 with the public employment relations board within  
8 thirty calendar days following the later of the

9 effective date of the action or the date a finding is  
10 issued to the employee by the office of the citizens'  
11 aide pursuant to section 2C.11A. The findings issued  
12 by the citizens' aide may be introduced as evidence  
13 before the public employment relations board. The  
14 employee has the right to a hearing closed to the  
15 public, but may request a public hearing. The hearing  
16 shall otherwise be conducted in accordance with the  
17 rules of the public employment relations board and the  
18 Iowa administrative procedure Act, chapter 17A. If  
19 the public employment relations board finds that the  
20 action taken by the person appointing the employee was  
21 in violation of subsection 2, the employee may be  
22 reinstated without loss of pay or benefits for the  
23 elapsed period, or the public employment relations  
24 board may provide other appropriate remedies.  
25 Decisions by the public employment relations board  
26 constitute final agency action.

27 DIVISION IV

28 LEGISLATIVE OVERSIGHT

29 Sec. 16. Section 2.45, subsection 5, Code 2005, is  
30 amended by adding the following new paragraph:  
31 NEW PARAGRAPH. c. The committee shall implement a  
32 systematic process of reviewing the reports required  
33 to be filed with the legislative services agency  
34 pursuant to section 8F.4."

35 2. Title page, by striking lines 1 through 9 and  
36 inserting the following: "An Act relating to  
37 government accountability and concerning service  
38 contract requirements, contractual requirements for  
39 certain entities receiving public moneys, requirements  
40 for joint agreements involving governmental entities,  
41 additional review by the auditor of state, the  
42 authority of the citizens' aide, employment rights of  
43 employees making a disclosure of information, and the  
44 authority of the legislative oversight committee, and  
45 including an implementation provision and making  
46 penalties applicable."

Amendment [H-8652](#) was adopted.

[SENATE FILE 2410](#) SUBSTITUTED FOR [HOUSE FILE 2798](#)

Alons of Sioux asked and received unanimous consent to substitute  
[Senate File 2410](#) for [House File 2798](#).

[Senate File 2410](#), a bill for an act relating to government  
accountability and concerning service contract requirements,  
contractual requirements for certain entities receiving public moneys,

requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, employment rights of employees making a disclosure of information, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable, was taken up for consideration.

Ford of Polk asked and received unanimous consent to withdraw amendment [H-8653](#) filed by him from the floor.

Shoultz of Black Hawk asked and received unanimous consent that amendment [H-8654](#) be deferred.

Wise of Lee asked and received unanimous consent to withdraw amendment [H-8656](#) filed by Wise of Lee, Bukta of Clinton, Foege of Linn and Murphy of Dubuque from the floor.

Wise of Lee offered the following amendment [H-8655](#) filed by him, Bukta of Clinton, Kuhn of Floyd, Lykam of Scott, McCarthy of Polk, Miller of Webster, Oldson of Polk, Foege of Linn, Heddens of Story, Murphy of Dubuque, D. Olson of Boone, Pettengill of Benton, Reasoner of Union, Schueller of Jackson, T. Taylor of Linn, Thomas of Clayton, Wessel-Kroeschell of Story, Whitead of Woodbury, Quirk of Chickasaw, Reichert of Muscatine, D. Taylor of Linn, Whitaker of Van Buren and Winckler of Scott from the floor and moved its adoption:

[H-8655](#)

- 1 Amend [Senate File 2410](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, by inserting after line 6 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 70A.29A REPRISALS
- 6 PROHIBITED – EMPLOYEES – PENALTY – CIVIL REMEDIES.
- 7 1. DEFINITIONS. As used in this section, unless
- 8 the context otherwise requires:
- 9 a. "Employee" means a person employed by the state
- 10 including but not limited to a person employed by the
- 11 general assembly and a person employed by the state
- 12 board of regents, by a political subdivision of the
- 13 state, or by a government-funded contractor.
- 14 "Employee" includes but is not limited to an
- 15 accountant, administrative assistant, construction
- 16 worker, day care worker, health care worker, social

17 worker, teacher, and full-time or part-time  
18 legislative employee who are employed by the state, a  
19 political subdivision of the state, or a  
20 government-funded contractor.

21 b. "Government-funded contractor" means a person  
22 receiving state or federal funds under a service  
23 contract as provided in section 8.47.

24 2. An employee, who reasonably believes that a  
25 particular practice the employee has observed  
26 occurring at the employee's place of employment is a  
27 violation of laws or regulations applicable to the  
28 employee's employer, is a breach of public safety that  
29 may result in harm to consumers or citizens, or is in  
30 violation of employee professional standards of care  
31 or professional codes of ethics, may report the  
32 violation or breach to the employee's supervisor or  
33 employer so that corrective action may be taken. A  
34 report pursuant to this subsection shall be made  
35 within fourteen days of the occurrence of the  
36 violation or breach. An employee making a report  
37 shall be protected against reprisals or retaliatory or  
38 punitive action by the supervisor or employer  
39 receiving the report.

40 3. If, after a reasonable period of time for  
41 correction of the violation or breach reported  
42 pursuant to subsection 2 an employee continues to  
43 observe the particular practice that was the subject  
44 of the report occurring in the workplace, the employee  
45 may disclose information relating to the violation or  
46 breach, and the fact that a correction of the  
47 violation or breach has not been made, to the office  
48 of citizens' aide, a licensing board, if applicable, a  
49 member or employee of the general assembly, the office  
50 of the attorney general, any other public official or

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1 law enforcement agency, a federal government agency or  
2 program, the governing board of the employee's  
3 employer, the employee's professional association or  
4 collective bargaining unit, or the media. The  
5 employee shall be protected against reprisals or  
6 retaliatory or punitive action by the supervisor or  
7 employer that received the report if disclosure of the  
8 information is not otherwise prohibited by law and  
9 informs state agencies or entities of a violation of  
10 state law or regulation, or is reasonably believed by  
11 the employee to be a violation of law or regulation or  
12 a breach of public safety that may lead to an adverse  
13 event to consumers or citizens, based upon employee  
14 professional standards of care or professional codes  
15 of ethics.

16 4. An employee disclosing information in good  
17 faith pursuant to subsection 2 or 3 is presumed to  
18 have established a prima facie case showing a  
19 violation of the protections against reprisals or  
20 retaliatory or punitive action by the employee's  
21 employer if the supervisor or employer knows or has  
22 reason to know of the disclosure, and if subsequent to  
23 and as a result of the disclosure, one or more of the  
24 following actions were initiated by the employer:  
25 a. Discharge of the employee from employment.  
26 b. Failure by the employer to take action  
27 regarding an employee's appointment, promotion or  
28 proposed promotion, or receipt of any advantage or  
29 benefit in the employee's position of employment.  
30 c. An adverse change to the employee's terms or  
31 conditions of employment or any administrative, civil,  
32 or criminal action or other effort that diminishes the  
33 professional competence, reputation, stature, or  
34 marketability of the employee.  
35 The employer has the burden to prove that actions  
36 taken pursuant to this subsection were for a  
37 legitimate business purpose.  
38 5. If a supervisor or employer is determined to  
39 have violated state laws or regulations, or  
40 professional standards of care or professional codes  
41 of ethics after a disclosure pursuant to subsection 2  
42 or 3 results in an action as described in subsection  
43 4, such a determination shall create a presumption of  
44 retaliation or reprisal against the employee in  
45 violation of this section.  
46 6. A person who violates this section commits a  
47 simple misdemeanor and is subject to civil action, as  
48 follows:  
49 a. An employer who violates this section is liable  
50 to an aggrieved employee for affirmative relief,

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1 including reinstatement with or without pay, or any  
2 other equitable relief the court deems appropriate,  
3 including attorney fees and costs, punitive damages,  
4 and public notice of the retaliation or reprisal  
5 undertaken against the employee through publication in  
6 an official newspaper in the city or county.  
7 b. When a person commits, is committing, or  
8 proposes to commit an act in violation of this  
9 section, an injunction may be granted through an  
10 action in district court to prohibit the person from  
11 continuing such act. The action for injunctive relief  
12 may be brought by an aggrieved employee or by the  
13 county attorney.  
14 7. In addition to any other penalties applicable

15 for violation of this section, an employer of an  
 16 employee who violates this section with respect to  
 17 another employee of the employer shall be subject to a  
 18 civil penalty in the amount of one thousand dollars  
 19 per violation.

20 8. The provisions of this section are in addition  
 21 to, and not in lieu of, any other provisions of law  
 22 applicable to disclosures of information by  
 23 employees."

24 2. By renumbering as necessary."

Roll call was requested by Murphy of Dubuque and Wise of Lee.

On the question "Shall amendment [H-8655](#) be adopted?" ([S.F. 2410](#))

The ayes were, 42:

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

The nays were, 49:

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



Absent or not voting, 7:

Fallon	Hunter	Jones	Maddox
Olson, R.	Van Fossen, J.K.	Zirkelbach	

Amendment [H-8655](#) lost.

#### RULE 76 INVOKED

Under the provision of Rule 76, conflict of interest, Ford of Polk and Hogg of Linn refrained from voting.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment [H-8654](#), previously deferred, filed by him from the floor.

Alons of Sioux moved that the bill 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?" ([S.F. 2410](#))

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller
Oldson	Olson, D.	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  
Mr. Speaker  
Rants

The nays were, 1:

Murphy

Absent or not voting, 6:

Fallon                      Hunter                      Jones                      Maddox  
Olson, R.                      Zirkelbach

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

#### HOUSE FILE 2798 WITHDRAWN

Alons of Sioux asked and received unanimous consent to withdraw House File 2798 from further consideration by the House.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2557, a bill for an act relating to and making appropriations to the judicial branch.

Also: That the Senate has on May 3, 2006, amended and passed the following bill in which the concurrence of the Senate is asked:

House File 2792, a bill for an act providing for a statewide core curriculum and standards study.

Also: That the Senate has on May 3, 2006, passed the following bill in which the concurrence of the Senate was asked:

House File 2797, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, reducing, and transferring appropriations, providing for salaries and compensation of state employees, providing for fees and penalties, providing tax exemptions, and providing for properly related matters, and including effective and retroactive applicability date provisions.

Also: That the Senate has on May 3, 2006, passed the following bill in which the concurrence of the House is asked:

Senate File 2411, a bill for an act relating to local governments by creating a local government innovation commission and fund, creating a center for governing excellence, and including an effective date.

Also: That the Senate has on May 3, 2006, adopted the following resolution in which the concurrence of the House is asked:

[Senate Concurrent Resolution 106](#), a senate concurrent resolution to provide for adjournment sine die.

MICHAEL E. MARSHALL, Secretary

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 2410](#) be immediately messaged to the Senate.

### REMARKS BY MAJORITY LEADER GIPP

Majority Leader Gipp offered the following remarks:

Mr. Speaker. Ladies and Gentlemen of the House!

This marks the end of the 2<sup>nd</sup> session of the 81<sup>st</sup> General Assembly, and I want to thank all of you for a very productive session.

Recently, there have been headlines and accusations throughout Iowa that say the Iowa Legislature has done nothing this year but debate TouchPlay and hold CIETC hearings. Unfortunately, attention-grabbing headlines dominate news coverage each legislative session. It has been that way since I arrived to the State House in 1990 and this year has proven to be no different.

It is unfortunate these headlines dominate the news, because this year's Legislature has done far more for the future of Iowa than a TouchPlay dispute or salary scandal ever could.

It was my sincere hope that we would exceed expectations this year and I would contend we did just that.

Many observers of the legislative process expected little to be accomplished this session because it is an election year. I can't say that I blame them with the Senate in deadlock and the House nearly evenly split. Observers surmised that we would simply "put a budget together" get some key political votes on hot button issues and then sneak out of town in order to campaign for the November elections. Well I am here to tell the naysayers they were wrong.

Let me remind you that this is the same thing that was being said prior to last session. The House responded with a very productive year then as well.

We passed a balanced budget that funded our shared priorities of public safety, education and healthcare.

We came into session this year with the determination to once again pass a balanced budget that funds our priorities.

There are several bills that were passed this year that will have a significant impact on Iowa's future and illustrate our priorities.

The first of these is renewable fuels. In my opening day speech I said "high-energy costs [are] affecting everyone's budget, we will once again focus on renewable energy, specifically ethanol and bio-diesel." In a bi-partisan manner, Iowa legislators did just that by passing the most comprehensive renewable fuels package in the history of this state. This legislation will put Iowa at the forefront of the debate decreasing our reliance on foreign fuels.

Improving teacher salaries and increased funding levels for all aspects of education are significant accomplishments of this session. By passing our teacher salary increase proposal, we will boost Iowa ahead of nine other states in pay ranking for our educators, from 41<sup>st</sup> to 32<sup>nd</sup>. Coupled with our low cost of living and a 13.5 to 1 student to teacher ratio, Iowa will become a much more attractive state for educators.

Our education reform package has the highest of aims: to allow our children to compete in a global economy. We began with the student's best interest in mind, passing a series of measures that more adequately challenges our students and offers more accountability to the taxpayer. Funding is at an all-time high, and the Legislature is ensuring that all parties involved see significant results.

We also eliminated taxes on Social Security, and significantly cut income taxes for all seniors 65 and older delivering on a promise made back in 1998. This legislation gives retirees an incentive to remain in the state of Iowa instead of chasing them to states with more favorable tax climates. Seniors are role models, and I for one am proud to finally offer them tax relief and give them further independence.

The veteran's legislation we passed this year is also significant! No other legislative session has seen more Veterans affairs bills than this session. We created the Veterans Affairs Committee which is a new standing committee that will serve as an outlet for veterans to take their concerns. We also passed legislation that prohibits protests within 500 feet of a military funeral. These are just two of the many bills we passed but they show that Iowa cares about our living and fallen soldiers, sailors and airman.

Other accomplishments of this session that all of you should be proud of:

- No new taxes
- Filling the Cash Reserve Fund to 7.5 percent
- Repaying over \$50 million to the Senior Living Trust Fund
- Creating opportunity scholarships for private and religious school students
- Doubling the number of charter schools in Iowa
- Depositing \$5 million in the Veterans Trust Fund
- Creating a new County Veterans Grant Program to make sure our veterans are getting the benefits they are entitled to
- Providing additional funds for lake restoration and city sewer systems to improve water quality

As you can see, we have done much more than TouchPlay and CIETC. All of you should be pleased with the performance of the Iowa House this session.

Thank you, Mr. Speaker!

**REMARKS BY MINORITY LEADER MURPHY****Minority Leader Murphy offered the following remarks:**

Thank you Mr. Speaker, ladies and gentlemen of the House.

It is the end to another session and before going any further, I would like to thank our caucus staff, the central staff, the assistant leaders and my caucus. As an elected official I have always said it is an honor and a privilege to serve the people of Dubuque and it has been very much an honor and privilege to serve my caucus for the last two years. And I very much appreciate all that you have done for me.

I started off last January talking about a number of things. Talking about the importance of the accountability and personal responsibility and pursuing that agenda to make higher standards for Iowans. And I remember that day when I made that speech. A person that has improved greatly over the session has been Representative Mark Kuhn. As everyone remembers he was in a wheel chair and from time to time he had difficulty getting out of the building when there was a rush. Mark, I am glad to see that you are doing so much better and that now you are down to just one cane. I look forward to the day where it is just your two legs.

Also, on opening day this year I talked about a person that has not been here all session, that was Ray Zirkelbach. Ray is serving our country along with a lot of other people that are bravely serving our country over in the middle east. I know that I pray every day that Ray gets to come home and spend time with his daughter, gets the chance to hold her and that every person that is sent to the middle east comes home safely.

This leads to one of the pieces of legislation we did this year, and that was to move toward oil independence with our ethanol alternative energy bills that we passed. Establishing goals and incentives that will benefit the environment and Iowa's economy and creating less reliance on foreign oil so that hopefully we won't have to have the Ray Zirkelbachs' of the future where they are at today.

We have been very successful this session besides the ethanol bill. We raised the standards to increase accountability in our schools. Kids will head off to school better prepared to succeed because of our early childhood efforts and our smart start initiatives. We lived up to our responsibility to fund teacher's salaries and move them closer to the national average.

Our clean water standard will help Iowa become a better steward of our precious water supplies and water resources that we have had.

We have also cracked down on human trafficking so that everybody is treated with respect and dignity.

We have also helped our seniors. We have helped them maintain dignity and independence by lessening their tax burden. And I think a good example is the Swaim amendment that we did this year. Instead of just looking at social security and pensions, we looked at all senior citizens and all of their incomes so that those that were not fortunate enough to have a pension could still get that same benefit. And I

thank you Representative Swaim for bringing that amendment, because I think that it made a better Iowa for all retirees.

But we also did other things for seniors. We increased their nursing home personal needs allowance. We made sure that we funded Medicaid.

But, there were disappointments too. I think one of the big disappointments for, at least me, was that Iowan's who are working full time are still living in poverty because we failed to raise the minimum wage. That is something that I think we, as a state, need to do.

We also failed to get a bill done that we talked about the first day of session, helping small business to overcome their high health insurance costs and health insurance premiums, and being able for employers to offer health care coverage to their employees.

Also, we did not do anything on car title loans. And I think the bill we passed tonight that deals with accountability is at best a first step. The Wise amendment, I think, was the way we should have went. When we dealt with accountability by making sure that we protected employees. But I guess those are for another day and another year and hopefully those issues will be addressed next year.

It has been a long session, it's time for most of us to go back home and spend more time with our families and hopefully enjoy the summer months ahead.

Again, I feel it has been an honor and a privilege to serve as the minority leader. I consider it an honor and a privilege to serve in the Iowa House just like the other ninety-nine of you. Hopefully we all appreciate the opportunities we get here to serve Iowan's and have that unique opportunity to try to make it a better Iowa.

With that, I thank you and have a good summer.

#### REMARKS BY SPEAKER RANTS

Speaker Rants offered the following remarks:

The most often used saying that people don't really mean is, "I hate to say I told you..." Nobody really hates to say that – we all take a certain guilty pleasure in telling people we were right.

One-hundred and fifteen days ago I told you – let me correct that – "we" told Iowa that we would defy conventional wisdom; that we would not let politics and the upcoming election get in the way of passing meaningful legislation.

The conventional wisdom was wrong; and the news media instead has done stories on our efforts to protect private property rights with one of the strongest eminent domain laws in the nation; our promotion of renewable fuels like ethanol and soy biodiesel, to make Iowa more energy independent; our increase in teacher salaries so we can compete with the rest of the nation – and the world – to make sure our children are learning from the best and the brightest; and of course our retirement tax cut, including the total elimination of the tax on Social Security benefits.

All of those are headline issues that appeared in your local news above the fold. But I think it's those issues that we worked on that appear below the fold – if at all – where our work really shined.

It is true, more people turned out for the public hearing on Touch Play, than turned out for the hearing on establishing statewide education standards. Now that is sad commentary – but that didn't stop us from requiring more rigor in our classroom, raising expectations of our students in the areas of math and science, and ensuring that our school districts have the necessary funds to hire the teachers they need in these kinds of shortage areas.

It is true, more news stories have been written about CITEC, but more legislative time has been spent on the things that will create jobs for our fellow citizens. It is tough to boil down to a nice sound bite – but the work this chamber did on enterprise zones, targeted jobs tax credits, and equipping our regents institutions to capitalize on the bio-sciences will result in opportunities for our graduates, and fulfill the hope of a new and better job to the hundreds of Iowans who have recently discovered that their employers are leaving Iowa.

It is true, more news stories were written over our budget differences than our agreements, but one such early agreement was to devote enough money to Medicaid so that we can provide an increase to our healthcare providers. We also agreed early on to move more of our Medicaid funding back onto the general fund. We also agreed to increase our repayments to the Senior Living Trust Fund. These aren't the things that most Iowans think about from day to day – but our failure to address those three issues adequately would have lasting impacts on those who need and provide healthcare and the elderly.

It's all too easy to judge a legislative session on one to two marquee issues – but that would be a mistake. Too much good work was done by too many people to be summed up in a sound bite, or a single headline.

Of course none of us can do this job alone. The success we find in this House depends just as much on others as it does on ourselves, and so I would like to recognize a few on whom I've leaned to make this such a successful session.

Rep. Raecker, I know you collect quotes about character like I collect quotes by Teddy Roosevelt. I thought I'd give a TR quote on character that you can use yourself - "Courtesy is as much a mark of a gentleman as courage."

I think you displayed both as you moved the budget through the process this year. I think it is no coincidence that every budget bill passed the House on a bi-partisan vote and I think the courtesy you extended to other members is a big part of that. But you never shrank from making the difficult decision required to keep our budget in balance and accomplish the Republican goals of refilling our reserves, restoring the Senior Living Trust Fund, and making room in the budget for tax cuts.

I want to acknowledge the work of Operation ROJY – that what I call Staff Sergeant Royd Chambers and General Jodi Tymeson – but when they aren't within earshot. I haven't seen two committee chairs work closer together to fashion a package of education funding and reforms than you two. I can't tell you how much I appreciate your efforts on the part of my, and collectively, our, children.

It's a shame, that we never thank the folks in the well, the folks in all of the back rooms, the Chief Clerks Office, the people crunching numbers, the people drafting amendments, the people proofing the journal until the last day of session. I thought about that as I was leaving the Capitol around 12:30 Wednesday (THIS) morning. The last people I talked to were the ladies in the chief clerk's office, working to get things ready for us this morning. They all deserve our thanks for their work on our behalf and they deserve it more often than once a year.

I have to say a special thanks to the Republican Caucus staff. I can't imagine a better group of people to work with. You all vet out my ideas – help me polish the good ones and make them work and bury from public view the bad ones. You never fail me with my requests for more information. You're an integral part of our caucus family. Whether it be Mary's 31 runs on the tax plan, Lon's ability to track every change in every budget amendment, Ann's overtime work on the final education package, Lew's work on renewable fuels, Tim's efforts to educate me on property rights, Kelly's tireless effort on state government issues – yes I know you were here at 1:30 this morning, Kristin's non-stop work to keep me straight on what is happening on enterprise zones, Bruce's editing, re-editing, and editing again of the caucus newsletter, Brad the Medicaid maniac – you never fail us and we couldn't do it without you. Jeff, you're a trusted advisor, and a valued friend. Thank you to all of you.

To Allison, Tim, Becky and Allysa, you are the best team I could ever ask for. Just keeping track of me, has to be a job in itself. Becky makes sure I'm where I should be when I should be. Allison keeps me out of trouble and on task – she is the one who keeps things from falling through the cracks. Tim makes me look like I know what I'm doing when I don't and takes the heat for me even when I do. Allysa – makes sure I don't miss all of your votes when your desk voting machines are broken – as they apparently often are. Susan, you don't work for me, but I still think of you as part of our office family and I want to thank you for your tireless work. I'm glad someone knows “where the bills are.” And Mat, you have been a valuable addition to our team this year.

To my fellow Republican leaders: Cecil, Rod, Libby, Carmen, Danny and Steve, thank you for all of your advice, counsel and extra effort you've given to me and our caucus. Mr. Majority Leader, you've been an excellent leader for our caucus and a great friend. Thank you for your work. You've never been afraid to take the tough votes or unwilling to roll up your sleeves and go to work to do what you think is right. I'm proud to have served along side you.

To my fellow Republicans, what a privilege you have allowed me. I tell the school kids who come visit – It's the best seat in the House. Thank you for allowing me to sit in it for a while.

Rep. Murphy, thank you for your cooperation this week in helping us move the process as quickly and orderly as possible. To the House Democrats, you fight hard for the issues you believe in. We all do that, people come to this House with strong opinions, and closely held beliefs – and we grapple with those. There is nothing wrong with that philosophical battle, that's why we were all sent here. I want to thank you for your efforts to break the budgetary log-jam. In my mind, your willingness to embrace our education package was most helpful.



Depending on your perspective, it's either a good thing or a bad thing that when you are Speaker, your first and last public comments are recorded for posterity in the House Journal. I would like leave this last thought as a piece of advice for any future legislature years from now that finds itself with a tied chamber – spend the quarter it would take for a coin flip.

Ladies and Gentlemen of House – enjoy your rest, and thank you for your service.

### SENATE AMENDMENT CONSIDERED

Chambers of O'Brien called up for consideration [House File 2792](#), a bill for an act relating to education finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, and the state board of regents, providing for participation in an instructional support program by school districts, relating to education standards and services by providing for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8657](#):

#### [H-8657](#)

- 1 Amend [House File 2792](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 12 through 14 and
- 4 inserting the following:
- 5 "FY 2006-2007..... \$ 104,343,94
- 6 FY 2007-2008 ..... \$139,343,84
- 7 FY 2008-2009 ..... \$ 174,343,84"
- 8 2. Page 1, lines 25 and 26, by striking the words
- 9 "the individual leaves the employ of the school
- 10 district" and inserting the following: "June 30,
- 11 2011, if the individual is making annual progress
- 12 toward meeting the requirements for a teacher
- 13 librarian endorsement issued by the board of
- 14 educational examiners under chapter 272. A school
- 15 district that entered into a contract with an
- 16 individual for employment as a media specialist or
- 17 librarian who holds at least a master's degree in
- 18 library and information studies shall be considered to

19 be in compliance with this subsection until the  
 20 individual leaves the employ of the school district."  
 21 3. Page 18, line 21, by striking the words "must  
 22 meet" and inserting the following: "should have".  
 23 4. Page 18, line 29, by striking the words  
 24 "engineers, who has" and inserting the following:  
 25 "engineers. This individual should have".  
 26 5. Page 20, line 24, by striking the word  
 27 "Commencing".  
 28 6. Page 20, by striking lines 25 and 26 and  
 29 inserting the following: "The general assembly shall  
 30 consider implementing the pay-for-performance program  
 31 statewide for the 2009-2010 school year,".  
 32 7. Page 24, line 8, by striking the word "three"  
 33 and inserting the following: "five".  
 34 8. Page 25, by striking lines 9 through 11 and  
 35 inserting the following: "January 15, 2007."  
 36 9. Page 25, by inserting after line 35 the  
 37 following:  
 38 "Sec. \_\_\_\_ STATE EDUCATIONAL ASSISTANCE –  
 39 CHILDREN OF DECEASED VETERANS. There is appropriated  
 40 from the general fund of the state to the department  
 41 of veterans affairs for the fiscal year beginning July  
 42 1, 2006, and ending June 30, 2007, the following  
 43 amount, or so much thereof as is necessary, for the  
 44 purpose designated:  
 45 For educational assistance pursuant to section  
 46 35.9:  
 47 ..... \$ 27,000  
 48 Notwithstanding section 8.33, moneys appropriated  
 49 under this section that remain unexpended at the close  
 50 of the fiscal year shall not revert to any fund but

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1 shall remain available for the purpose designated  
 2 until the close of the succeeding fiscal year.  
 3 Sec. \_\_\_\_ Section 35.8, Code Supplement 2005, is  
 4 amended to read as follows:  
 5 35.8 WAR ORPHANS EDUCATIONAL ~~AND ASSISTANCE~~ FUND.  
 6 A war orphans educational ~~aid~~ assistance fund is  
 7 created as a separate fund in the state treasury under  
 8 the control of the department of veterans affairs.  
 9 Any money appropriated for the purpose of ~~aiding~~  
 10 assisting in the education of orphaned children of  
 11 veterans, as defined in section 35.1, or the education  
 12 of a child as provided in section 35.9, subsection 2,  
 13 shall be deposited in the war orphans educational ~~aid~~  
 14 assistance fund.  
 15 Sec. \_\_\_\_ Section 35.9, Code Supplement 2005, is  
 16 amended to read as follows:  
 17 35.9 EXPENDITURE BY COMMISSION.

18 1. a. The department ~~of veterans affairs~~ may  
19 expend not more than six hundred dollars per year for  
20 any one child who has lived in the state of Iowa for  
21 two years preceding application for ~~aid~~ state  
22 educational assistance, and who is the child of a  
23 person who died prior to September 11, 2001, during  
24 active federal military service while serving in the  
25 armed forces or during active federal military service  
26 in the Iowa national guard or other military component  
27 of the United States, to defray the expenses of  
28 tuition, matriculation, laboratory and similar fees,  
29 books and supplies, board, lodging, and any other  
30 reasonably necessary expense for the child or children  
31 incident to attendance in this state at an educational  
32 or training institution of college grade, or in a  
33 business or vocational training school with standards  
34 approved by the department of veterans affairs.  
35 b. A child eligible to receive funds under this  
36 section shall not receive more than three thousand  
37 dollars under this ~~section~~ subsection during the  
38 child's lifetime.  
39 2. Upon application by a child who has lived in  
40 the state of Iowa for two years preceding application  
41 for state educational assistance, and who is the child  
42 of a person who died on or after September 11, 2001,  
43 during active federal military service while serving  
44 in the armed forces or during active federal military  
45 service in the Iowa national guard or other military  
46 component of the United States, the department shall  
47 provide state educational assistance in the amount of  
48 five thousand five hundred dollars per year or the  
49 amount of the child's established financial need,  
50 whichever is less, to defray the expenses of tuition,

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1 matriculation, laboratory and similar fees, books and  
2 supplies, board, lodging, and any other reasonably  
3 necessary expense for the child or children incident  
4 to attendance in this state at a community college  
5 established under chapter 260C or at an institution of  
6 higher education governed by the state board of  
7 regents. A child eligible to receive state  
8 educational assistance under this subsection shall not  
9 receive more than twenty-seven thousand five hundred  
10 dollars under this subsection during the child's  
11 lifetime. The college student aid commission may, if  
12 requested, assist the department in administering this  
13 subsection.  
14 Sec.\_\_\_\_. Section 35.10, Code Supplement 2005, is  
15 amended to read as follows:  
16 35.10 ELIGIBILITY AND PAYMENT OF ~~AID~~ ASSISTANCE.

17 Eligibility for ~~aid~~ assistance shall be determined  
 18 upon application to the department of veterans  
 19 affairs, whose decision is final. The eligibility of  
 20 eligible applicants shall be certified by the  
 21 department of veterans affairs to the director of the  
 22 department of administrative services, and all amounts  
 23 that are or become due to an individual or a training  
 24 institution under this chapter shall be paid to the  
 25 individual or institution by the director of the  
 26 department of administrative services upon receipt by  
 27 the director of certification by the president or  
 28 governing board of the educational or training  
 29 institution as to accuracy of charges made, and as to  
 30 the attendance of the individual at the educational or  
 31 training institution. The department of veterans  
 32 affairs may pay over the annual sum of ~~four hundred~~  
 33 ~~dollars set forth in section 35.9~~ to the educational  
 34 or training institution in a lump sum, or in  
 35 installments as the circumstances warrant, upon  
 36 receiving from the institution such written  
 37 undertaking as the department may require to assure  
 38 the use of funds for the child for the authorized  
 39 purposes and for no other purpose. A person is not  
 40 eligible for the benefits of this chapter until the  
 41 person has graduated from a high school or educational  
 42 institution offering a course of training equivalent  
 43 to high school training."

44 10. Page 26, by striking lines 1 through 8.

45 11. Page 27, by inserting after line 35 the  
 46 following:

47 "Sec. \_\_\_\_ Section 261.1, subsection 5, Code 2005,  
 48 is amended to read as follows:

49 5. ~~Eight~~ Nine additional members to be appointed  
 50 by the governor. One of the members shall be selected

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1 to represent private colleges, private universities  
 2 and private junior colleges located in the state of  
 3 Iowa. When appointing this member, the governor shall  
 4 give careful consideration to any person or persons  
 5 nominated or recommended by any organization or  
 6 association of some or all private colleges, private  
 7 universities and private junior colleges located in  
 8 the state of Iowa. One of the members shall be  
 9 selected to represent institutions located in the  
 10 state of Iowa whose income is not exempt from taxation  
 11 under section 501(c) of the Internal Revenue Code.  
 12 One of the members shall be selected to represent  
 13 community colleges located in the state of Iowa. When  
 14 appointing this member, the governor shall give  
 15 careful consideration to any person or persons

16 nominated or recommended by any organization or  
17 association of Iowa community colleges. One member  
18 shall be enrolled as a student at a board of regents  
19 institution, community college, or accredited private  
20 institution. One member shall be a representative of  
21 a lending institution located in this state. One  
22 member shall be a representative of the Iowa student  
23 loan liquidity corporation. The other three members,  
24 none of whom shall be official board members or  
25 trustees of an institution of higher learning or of an  
26 association of institutions of higher learning, shall  
27 be selected to represent the general public.

28 Sec. \_\_\_\_ Section 261.25, subsection 1A, as  
29 enacted by 2006 Iowa Acts, [House File 2527](#), if  
30 enacted, is amended to read as follows:

31 1A. There is appropriated from the general fund of  
32 the state to the commission for each fiscal year the  
33 sum of five million one hundred sixty-seven thousand  
34 three hundred fifty-eight dollars for ~~proprietary~~  
35 tuition grants for students attending for-profit  
36 accredited private institutions located in Iowa. A  
37 for-profit institution which, effective March 9, 2005,  
38 purchased an accredited private institution that was  
39 exempt from taxation under section 501(c) of the  
40 Internal Revenue Code, shall be an eligible  
41 institution under the tuition grant program. In the  
42 case of a qualified student who was enrolled in such  
43 accredited private institution that was purchased by  
44 the for-profit institution effective March 9, 2005,  
45 and who continues to be enrolled in the eligible  
46 institution in succeeding years, the amount the  
47 student qualifies for under this subsection shall be  
48 not less than the amount the student qualified for in  
49 the fiscal year beginning July 1, 2004. For purposes  
50 of the tuition grant program, "for-profit accredited

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1 private institution" means an accredited private  
2 institution which is not exempt from taxation under  
3 section 501(c)(3) but which otherwise meets the  
4 requirements of section 261.9, subsection 1, paragraph  
5 "b", and whose students were eligible to receive  
6 tuition grants in the fiscal year beginning July 1,  
7 2003."

8 12. Page 29, by inserting after line 8 the  
9 following:

10 "Sec. \_\_\_\_ LIMITED ENGLISH PROFICIENT WEIGHTING  
11 ADJUSTMENT. For the fiscal year beginning July 1,  
12 2006, and ending June 30, 2007, there shall be  
13 allocated to the department of education from the  
14 amount appropriated pursuant to section 257.16,

15 subsection 1, based upon the increase from three to  
 16 four years in the availability of supplementary  
 17 weighting for instruction of limited English  
 18 proficient students pursuant to section 280.4, an  
 19 amount not to exceed three million, three hundred  
 20 thousand dollars. The funds shall be used to adjust  
 21 the weighted enrollment of a school district with  
 22 students identified as limited English proficient on a  
 23 prorated basis."

24 13. Page 30, by inserting after line 6 the  
 25 following:  
 26 "Sec. \_\_\_\_\_. BOARD OF EDUCATIONAL EXAMINERS –  
 27 TEACHER LIBRARIAN REVIEW. The board of educational  
 28 examiners shall review the impact the enactment of  
 29 section 256.11, subsection 9, if enacted, on school  
 30 districts, media specialists, and librarians and shall  
 31 submit its findings and recommendations in a report to  
 32 the chairpersons and ranking members of the senate and  
 33 house of representatives standing committees on  
 34 education by January 1, 2007."

35 14. Page 31, line 29, by inserting after the word  
 36 "circumstances," the following: "allocating funds for  
 37 a limited English proficient weighting adjustment for  
 38 the fiscal year beginning July 1, 2006, and ending  
 39 June 30, 2007,".

40 15. Page 32, by inserting after line 2 the  
 41 following:

42 "DIVISION  
 43 STATE AND LOCAL GOVERNMENT OPERATIONS  
 44 Sec. \_\_\_\_\_. Section 8A.108, Code 2005, is amended to  
 45 read as follows:  
 46 8A.108 ACCEPTANCE OF FUNDS.  
 47 1. The department may receive and accept  
 48 donations, grants, gifts, and contributions in the  
 49 form of moneys, services, materials, or otherwise,  
 50 from the United States or any of its agencies, from

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1 this state or any of its agencies, or from any other  
 2 person, and may use or expend such moneys, services,  
 3 materials, or other contributions, or issue grants, in  
 4 carrying out the operations of the department. All  
 5 federal grants to and the federal receipts of the  
 6 department are hereby appropriated for the purpose set  
 7 forth in such federal grants or receipts. The  
 8 department shall report annually to the general  
 9 assembly on or before September 1 the donations,  
 10 grants, gifts, and contributions with a monetary value  
 11 of one thousand dollars or more that were received  
 12 during the most recently concluded fiscal year.  
 13 2. a. The department may solicit donations,

14 grants, gifts, and contributions in the form of  
15 moneys, services, materials, real property, or  
16 otherwise from any person for specific projects and  
17 improvements on or near the capitol complex. However,  
18 no less than twenty days prior to commencing any such  
19 solicitation, the department shall notify the  
20 executive council, the department of management, and  
21 the legislative council of the project for which the  
22 solicitation is proposed. The department is only  
23 required to provide one notification for each project  
24 for which a solicitation is proposed.

25 b. The department shall not accept any donation,  
26 grant, gift, or contribution in any form that includes  
27 any condition other than a condition to use the  
28 donation, grant, gift, or contribution for the project  
29 for which it was solicited. The department shall not  
30 confer any benefit upon or establish any permanent  
31 acknowledgement of the donor of the donation, grant,  
32 gift, or contribution unless specifically authorized  
33 by a constitutional majority of each house of the  
34 general assembly and approved by the governor or  
35 unless otherwise specifically authorized by law.

36 Sec. \_\_\_\_ Section 8A.321, Code Supplement 2005, is  
37 amended by adding the following new subsection:  
38 NEW SUBSECTION. 8A. With the approval of the  
39 executive council pursuant to section 7D.29 or  
40 pursuant to other authority granted by law, acquire  
41 real property to be held by the department in the name  
42 of the state as follows:

43 a. By purchase, lease, option, gift, grant,  
44 bequest, devise, or otherwise.

45 b. By exchange of real property belonging to the  
46 state for property belonging to another person.

47 Sec. \_\_\_\_ Section 68B.7, Code 2005, is amended by  
48 adding the following new unnumbered paragraph:  
49 NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
50 provisions of this section, a person who has served as

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1 the workers' compensation commissioner, or any deputy  
2 thereof, may represent a claimant in a contested case  
3 before the division of workers' compensation at any  
4 point subsequent to termination of such service,  
5 regardless of whether the person charges a contingent  
6 fee for such representation, provided such case was  
7 not pending before the division during the person's  
8 tenure as commissioner or deputy.

9 Sec. \_\_\_\_ Section 100B.13, Code Supplement 2005,  
10 is amended to read as follows:

11 100B.13 VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.

12 1. A volunteer fire fighter preparedness fund is

13 created as a separate and distinct fund in the state  
14 treasury under the control of the division of state  
15 fire marshal of the department of public safety.  
16 2. Revenue for the volunteer fire fighter  
17 preparedness fund shall include, but is not limited  
18 to, the following:  
19 a. Moneys credited to the fund pursuant to section  
20 422.12F.  
21 b. Moneys credited to the fund pursuant to section  
22 422.12G.  
23 ~~b.~~ c. Moneys in the form of a devise, gift,  
24 bequest, donation, or federal or other grant intended  
25 to be used for the purposes of the fund.  
26 3. Moneys in the volunteer fire fighter  
27 preparedness fund are not subject to section 8.33.  
28 Notwithstanding section 12C.7, subsection 2, interest  
29 or earnings on moneys in the fund shall be credited to  
30 the fund.  
31 4. Moneys in the volunteer fire fighter  
32 preparedness fund are appropriated to the division of  
33 state fire marshal of the department of public safety  
34 to be used annually to pay the costs of providing  
35 volunteer fire fighter training around the state and  
36 to pay the costs of providing volunteer fire fighting  
37 equipment.  
38 Sec.\_\_\_\_. Section 232.116, subsection 1, Code  
39 2005, is amended by adding the following new  
40 paragraph:  
41 NEW PARAGRAPH. o. The parent has been convicted  
42 of a felony offense that is a criminal offense against  
43 a minor as defined in section 692A.1, the parent is  
44 divorced from or was never married to the minor's  
45 other parent, and the parent is serving a minimum  
46 sentence of confinement of at least five years for  
47 that offense.  
48 Sec.\_\_\_\_. Section 314.28, Code 2005, is amended to  
49 read as follows:  
50 314.28 KEEP IOWA BEAUTIFUL FUND.

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1 A keep Iowa beautiful fund is created in the office  
2 of the treasurer of state. The fund is composed of  
3 moneys appropriated or available to and obtained or  
4 accepted by the treasurer of state for deposit in the  
5 fund. The fund shall include moneys transferred to  
6 the fund as provided in section 422.12A. The fund  
7 shall also include moneys transferred to the fund as  
8 provided in section 422.12G. All interest earned on  
9 moneys in the fund shall be credited to and remain in  
10 the fund. Section 8.33 does not apply to moneys in  
11 the fund.



12 Moneys in the fund that are authorized by the  
13 department for expenditure are appropriated, and shall  
14 be used, to educate and encourage Iowans to take  
15 greater responsibility for improving their community  
16 environment and enhancing the beauty of the state  
17 through litter prevention, improving waste management  
18 and recycling efforts, and beautification projects.  
19 The department may authorize payment of moneys from  
20 the fund upon approval of an application from a  
21 private or public organization. The applicant shall  
22 submit a plan for litter prevention, improving waste  
23 management and recycling efforts, or a beautification  
24 project along with its application. The department  
25 shall establish standards relating to the type of  
26 projects available for assistance.

27 Sec. \_\_. NEW SECTION. 422.12G JOINT INCOME TAX  
28 REFUND CHECKOFF FOR KEEP IOWA BEAUTIFUL FUND AND  
29 VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.

30 1. A person who files an individual or a joint  
31 income tax return with the department of revenue under  
32 section 422.13 may designate one dollar or more to be  
33 paid jointly to the keep Iowa beautiful fund created  
34 in section 314.28 and to the volunteer fire fighter  
35 preparedness fund created in section 100B.13. If the  
36 refund due on the return or the payment remitted with  
37 the return is insufficient to pay the additional  
38 amount designated by the taxpayer, the amount  
39 designated shall be reduced to the remaining amount of  
40 refund or the remaining amount remitted with the  
41 return. The designation of a contribution under this  
42 section is irrevocable.

43 2. The director of revenue shall draft the income  
44 tax form to allow the designation of contributions to  
45 the keep Iowa beautiful fund and to the volunteer fire  
46 fighter preparedness fund as one checkoff on the tax  
47 return. The department of revenue, on or before  
48 January 31, shall transfer one-half of the total  
49 amount designated on the tax return forms due in the  
50 preceding calendar year to the keep Iowa beautiful

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1 fund and the remaining one-half to the volunteer fire  
2 fighter preparedness fund. However, before a checkoff  
3 pursuant to this section shall be permitted, all  
4 liabilities on the books of the department of  
5 administrative services and accounts identified as  
6 owing under section 8A.504 and the political  
7 contribution allowed under section 68A.601 shall be  
8 satisfied.

9 3. The department of revenue shall adopt rules to  
10 administer this section.

11 4. This section is subject to repeal under section  
 12 422.12E.  
 13 Sec.\_\_\_\_. Section 427.1, subsection 21A, Code  
 14 Supplement 2005, as amended by 2006 Iowa Acts, House  
 15 File 2797, section 84, if enacted, is amended to read  
 16 as follows:  
 17 21A. DWELLING UNIT PROPERTY OWNED BY COMMUNITY  
 18 HOUSING DEVELOPMENT ORGANIZATION. Dwelling unit  
 19 property owned and managed by a community housing  
 20 development organization, as recognized by the state  
 21 of Iowa and the federal government pursuant to  
 22 criteria for community housing development  
 23 organization designation contained in the HOME program  
 24 of the federal National Affordable Housing Act of  
 25 1990, if the organization is also a nonprofit  
 26 organization exempt from federal income tax under  
 27 section 501(c)(3) of the Internal Revenue Code and  
 28 owns and manages more than one hundred and fifty  
 29 dwelling units that are located in a city with a  
 30 population of more than one hundred ten thousand. For  
 31 the 2005 and 2006 assessment years, an application is  
 32 not required to be filed to receive the exemption.  
 33 For the 2007 and subsequent assessment years, an  
 34 application for exemption must be filed with the  
 35 assessing authority not later than February 1 of the  
 36 assessment year for which the exemption is sought.  
 37 Upon the filing and allowance of the claim, the claim  
 38 shall be allowed on the property for successive years  
 39 without further filing as long as the property  
 40 continues to qualify for the exemption.  
 41 Sec.\_\_\_\_. Section 600A.8, Code Supplement 2005, is  
 42 amended by adding the following new subsection:  
 43 NEW SUBSECTION. 10. The parent has been convicted  
 44 of a felony offense that is a criminal offense against  
 45 a minor as defined in section 692A.1, the parent is  
 46 divorced from or was never married to the minor's  
 47 other parent, and the parent is serving a minimum  
 48 sentence of confinement of at least five years for  
 49 that offense.  
 50 Sec.\_\_\_\_. Section 602.8108, subsection 8B, if

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1 enacted by 2006 Iowa Acts, [House File 2789](#), section 8,  
 2 is amended to read as follows:  
 3 8B. The state court administrator shall allocate  
 4 to the office of attorney general for the fiscal year  
 5 beginning July 1, 2006, and for each fiscal year  
 6 thereafter, ~~three~~ four hundred fifty thousand dollars  
 7 of the moneys received annually under subsection 2, to  
 8 be used for legal services for persons in poverty  
 9 grants as provided in section 13.34.

10 Sec.\_\_\_\_. 2006 Iowa Acts, [House File 2797](#), section  
11 43, subsection 1, paragraph a, if enacted, is amended  
12 by adding the following new subparagraphs:  
13 NEW SUBPARAGRAPH. (11) Sierra club - Iowa  
14 chapter.  
15 NEW SUBPARAGRAPH. (12) Izaak Walton league of  
16 Iowa.  
17 NEW SUBPARAGRAPH. (13) State conservation  
18 districts.  
19 Sec.\_\_\_\_. 2006 Iowa Acts, [House File 2794](#), section  
20 58, if enacted, is repealed.  
21 Sec.\_\_\_\_. RETROACTIVE APPLICABILITY. The section  
22 of this Act enacting section 422.12G applies  
23 retroactively to tax years beginning on or after  
24 January 1, 2006."  
25 16. Page 32, by inserting after line 2 the  
26 following:  
27 "DIVISION  
28 MISCELLANEOUS PROVISIONS  
29 Sec.\_\_\_\_. Section 8F.2, subsection 8, paragraph b,  
30 subparagraph (3), if enacted by 2006 Iowa Acts, Senate  
31 File 2410, is amended to read as follows:  
32 (3) A contract for services provided for the  
33 operation, construction, or maintenance of a public or  
34 city utility, combined public or city utility, or a  
35 city enterprise as defined by section 384.24."  
36 17. Title page, line 1, by striking the word  
37 "education" and inserting the following: "government  
38 operations and".  
39 18. Title page, line 3, by inserting after the  
40 word "management," the following: "the department of  
41 veterans affairs,".  
42 19. By renumbering, relettering, or redesignating  
43 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8657](#).

Chambers of O'Brien 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. 2792](#))

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Carroll

Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	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
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 7:

Bukta	Fallon	Hunter	Jones
Maddox	Olson, R.	Zirkelbach	

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 2792](#) be immediately messaged to the Senate.

#### ADOPTION OF [SENATE CONCURRENT RESOLUTION 106](#)

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of [Senate Concurrent Resolution 106](#) and moved its adoption:

- 1 [Senate Concurrent Resolution 106](#)
- 2 By: Committee on Rules and Administration
- 3 A Senate Concurrent Resolution to provide for

- 4 adjournment sine die.
- 5 *Be It Resolved By The Senate, The House Concurring,*
- 6 That when adjournment is had on Wednesday, May 3,
- 7 2006, it be the final adjournment of the 2006 Regular
- 8 Session of the Eighty-first General Assembly.

The motion prevailed and the resolution was adopted.

#### 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 2351

1. Moved page 21, lines 6 – 10 to page 20, after line 31. (Amendment operations out of order.)

##### House File 2527

1. Page 33, line 7 – Deleted “d.”.

##### House File 2540

1. Page 12, line 17 – Deleted second “that”.

##### House File 2734

1. Page 6, line 5 – Changed “135.105A” to “135.105D”.
2. Page 57, line 32 – Changed “sections” to “section”.

##### House File 2743

1. Page 5, line 6, 17, 30, 31 and 34 – Changed paragraph “h” to “g”.

##### House File 2780

1. Page 7, line 4 – Changed “services” to “service”.
2. Page 18, line 10 – Changed “is” to “are”.
3. Page 22, line 35/Page 23, line 1 – Run in text following title “PSYCHIATRISTS”. (No new paragraph.)

##### House File 2782

1. Page 8, lines 31 and 32 – Deleted period after “DEPARTMENT OF TRANSPORTATION”. “For deposit into the” starts a new paragraph.
2. Page 17, line 34 – Changed “Ft. Dodge” to “Fort Dodge”.
3. Page 39, line 22 – Underscored the space preceding “Moneys appropriated”.

**House File 2786**

1. Page 7, Line 18 – Added the word “Section” before 655A.3.

**House File 2794**

1. Page 15, line 30 – Strike comma after “(f)”.
2. Page 17, line 27 – Hyphenated “community based”.

**House File 2797**

1. Page 48, line 25 – Changed “outdated division” to “outdated bill”.
2. Page 57, line 11 – Removed the underscore under the comma after “molasses”.

MARGARET A. THOMSON  
Chief clerk of the House

SPONSOR ADDED  
(Amendment [H-8655](#))

Gaskill of Wapello requested to be added as a sponsor of amendment [H-8655](#) to [Senate File 2410](#).

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 3, 2006. Had I been present, I would have voted "aye" on [Senate File 2398](#).

RAECKER of Polk

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF NATURAL RESOURCES

Lake restoration plan for 2006, pursuant to Chapter 357E, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

The Iowa Consortium for substance abuse research and evaluation, pursuant to Chapter 135, Code of Iowa.

## DEPARTMENT OF TRANSPORTATION

Progress report regarding building projects for the Motor Vehicle Division, pursuant to Chapter 321, Code of Iowa.

## INDUSTRIAL PROCESSING EXEMPTION STUDY COMMITTEE

2005 Annual Report, pursuant to Chapter 423.3(47), 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

- 2006\1688 Stephen Longfield, Dubuque – For being nominated to the Des Moines Register’s Academic All–Star Team.
- 2006\1689 Ed and Jane Pollak, Des Moines – For celebrating their 59<sup>th</sup> wedding anniversary.
- 2006\1690 Kyle Ray, Bettendorf – For being a First Flight contest winner from the NASA Iowa Space Grant Consortium.
- 2006\1691 Clarence and Janet Sloan, Batavia – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1692 Wayne Rasmussen, Exira – For celebrating his 92<sup>nd</sup> birthday.
- 2006\1693 Roger and Colleen Anderson, Greenfield – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2006\1694 Don and Ardell McCunn, Massena – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1695 Jerry Holden, Iowa Falls – For celebrating his 85<sup>th</sup> birthday.
- 2006\1696 Florence Leonard, Guttenberg – For celebrating her 90<sup>th</sup> birthday.
- 2006\1697 Ruby Baechler, Fayette – For celebrating her 90<sup>th</sup> birthday.
- 2006\1698 Donald and Barbara Vojtech, Traer – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2006\1699 Emil Hrstka, Clutier – For celebrating his 90<sup>th</sup> birthday.
- 2006\1700 Gladys Benham, Dysart – For celebrating her 90<sup>th</sup> birthday.
- 2006\1701 Clovis Smith, Grinnell – For celebrating her 85<sup>th</sup> birthday.

- 2006\1702 Margaret Wheeler, Grinnell – For celebrating her 90<sup>th</sup> birthday.
- 2006\1703 Cyan Pharr, Ames – For celebrating her 105<sup>th</sup> birthday.
- 2006\1704 Ruth Beck, Madrid – For celebrating her 105<sup>th</sup> birthday.
- 2006\1705 Gordon Shoeman, Madrid – For celebrating his 95<sup>th</sup> birthday.
- 2006\1706 Lawrence Reilly, Ames – For celebrating his 90<sup>th</sup> birthday.
- 2006\1707 Verna Ahnholz, Madrid – For celebrating her 90<sup>th</sup> birthday.
- 2006\1708 Winnifred Good, Madrid – For celebrating her 90<sup>th</sup> birthday.
- 2006\1709 Doris McClymonds, Ames – For celebrating her 90<sup>th</sup> birthday.
- 2006\1710 Dorothy Hall, Madrid – For celebrating her 90<sup>th</sup> birthday.
- 2006\1711 May Anderson, Madrid – For celebrating her 85<sup>th</sup> birthday.
- 2006\1712 Irene Earnest, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2006\1713 Dean Alsin, Madrid – For celebrating his 85<sup>th</sup> birthday.
- 2006\1714 Edward Baumann, Ames – For celebrating his 85<sup>th</sup> birthday.
- 2006\1715 Violet Meier, Madrid – For celebrating her 85<sup>th</sup> birthday.
- 2006\1716 Ruth Anderson, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2006\1717 Charles Gibbons, Madrid – For celebrating his 85<sup>th</sup> birthday.
- 2006\1718 Lorraine Dresser, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2006\1719 Edith Swett, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2006\1720 Frederick Niemann, Ames – For celebrating his 85<sup>th</sup> birthday.
- 2006\1721 William Steel, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2006\1722 John Thurston, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2006\1723 Irene Brentnall, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2006\1724 Royce Cornell, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2006\1725 Dorothy Kreutner, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2006\1726 Thomas West, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2006\1727 Kathleen MacVey, Ames – For celebrating her 80<sup>th</sup> birthday.



- 2006\1728 Christopher R. Vaage, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1729 Michael Millea, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\1730 Amy Edeker, Grimes – For celebrating her 80<sup>th</sup> birthday.

## SUBCOMMITTEE ASSIGNMENT

**LSB 6732YC**

Government Oversight: Alons, Chair; Baudler, Eichhorn, Hutter, Lensing, Thomas, J.K. Van Fossen, Whitead and Winckler.

## COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON  
Chief Clerk of the House

## COMMITTEE ON GOVERNMENT OVERSIGHT

**Committee Bill** (Formerly [House Study Bill 779](#)), relating to government accountability and concerning service contact requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of the state, the authority of the citizens' aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

Fiscal Note is not required.

Recommended **Without Recommendation** May 3, 2006.

**Committee Bill** (Formerly LSB 6732YC), a resolution conferring authority upon the standing Committee on Government Oversight to conduct an investigation into the compensation levels, use of public moneys, personnel, operations, funding, and oversight of the Central Iowa Employment and Training Consortium, the Iowa Department of Workforce Development, and all matters reasonably related thereto.

Fiscal Note is not required.

Recommended **Without Recommendation** May 3, 2006.

## COMMITTEE ON WAYS AND MEANS

[Senate File 2398](#), a bill for an act providing a sales tax exemption for purchases of solar energy equipment.

Fiscal Note is required.

Recommended **Do Pass** May 3, 2006.

## FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to House Rule 73.7, the following motions to reconsider which remained on the House Calendar upon adjournment of the 2006 Regular Session of the Eighty-first General Assembly will be considered to have failed:

By Gipp of Winneshiek to [House File 2521](#), 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. Filed on April 19, 2006.

By Gipp of Winneshiek to [House File 2527](#), 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 including effective and retroactive applicability dates. Filed on May 2, 2006.

By Gipp of Winneshiek to [House File 2558](#), a bill for an act relating to and making appropriations to the justice system and providing an effective date. Filed on April 19, 2006.

By Gipp of Winneshiek to [House File 2740](#), a bill for an act relating to the judicial branch and court administration and procedure and providing a penalty. Filed on April 17, 2006.

The House stood at ease at 12:30 a.m., Thursday, May 4, 2006, until the fall of the gavel.

**FINAL ADJOURNMENT**

By virtue of [Senate Concurrent Resolution 106](#), duly adopted, the day of May 3, 2006 having arrived, the Speaker of the House of Representatives declared the 2006 Regular Session of the Eighty-first General Assembly adjourned sine die.

**SUPPLEMENT TO HOUSE JOURNAL****HOUSE JOINT RESOLUTION ENROLLED, SIGNED AND SENT  
TO SECRETARY OF STATE**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following resolution has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Secretary of State on this 3<sup>rd</sup> day of May, 2006: [House Joint Resolution 2006](#).

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

**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 3<sup>rd</sup> day of May, 2006: House Files 540, 711, 722, 2002, 2095, 2244, 2282, 2319, 2332, 2351, 2362, 2363, 2395, 2459, 2461, 2521, 2527, 2540, 2546, 2557, 2558, 2562, 2567, 2571, 2593, 2612, 2633, 2651, 2661, 2686, 2697, 2706, 2708, 2716, 2731, 2734, 2740, 2743, 2748, 2751, 2754, 2759, 2764, 2765, 2769, 2772, 2774, 2775, 2777, 2780, 2782, 2786, 2789, 2791, 2792, 2794 and 2797.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

**BILLS APPROVED, VETOED, OR ITEM VETOED  
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on bills passed by the 2006 Regular Session of the Eighty-first General Assembly and which action was had subsequent to the date of final adjournment.

- [H.F. 540](#) – Relating to reports of traffic accidents involving certified law enforcement officers and other emergency responders. Approved 5-30-06.
- [H.F. 711](#) – Relating to the appointment of a chief juvenile court officer. Approved 5-24-06.
- [H.F. 722](#) – Providing for the establishment of an information program for drug prescribing and dispensing, providing penalties, and providing an effective date. Approved 5-31-06.
- [H.F. 2002](#) – Increasing the standing amount required to be appropriated, reverted, or transferred to the credit of the Senior Living Trust Fund and including effective and retroactive applicability date provisions. Approved 5-22-06.
- [H.F. 2095](#) – Providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date. Approved 6-1-06.
- [H.F. 2244](#) – Relating to hunting and fishing licenses for certain veterans. Approved 5-8-06.
- [H.F. 2282](#) – Relating to city government by providing for the election of mayor and city council members in a city governed by the council-manager-at-large form of city government and by providing for city continuity when concurrent city council vacancies exist. Approved 5-30-06.
- [H.F. 2319](#) – Relating to the personal needs allowance amount for residents of nursing facilities under the medical assistance program. Approved 5-22-06.
- [H.F. 2332](#) – Relating to child support, including processing and disbursement of support payments, modification of support based upon permanency orders of the juvenile court, income withholding and information sharing under the child support recovery program, nonsupport of a child or ward, providing for and making criminal penalties applicable, providing penalties, and providing for applicability and retroactive applicability. Approved 5-24-06.
- [H.F. 2351](#) – Relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions. Vetoed 6-2-06. See Governor's Veto Message.
- [H.F. 2362](#) – Relating to end-of-life and salvage vehicles by providing for the removal, replacement, collection, and recovery of mercury-added vehicle components and providing for reassignment of a salvage certificate of title for a motor vehicle. Approved 5-24-06.

- [H.F. 2363](#) – Relating to the process utilized in assessing residents of health care facilities for veterans program benefits. Approved 5-8-06.
- [H.F. 2395](#) – Directing the State Board of Regents to conduct a study of the admissions requirements common to the state universities. Approved 5-30-06.
- [H.F. 2459](#) – Relating to and making appropriations to the Department of Economic Development, certain Board of Regents institutions, the Department of Workforce Development, the Iowa Finance Authority, and the Public Employee Relations Board, related matters, and providing effective and retroactive applicability dates. Approved 5-31-06 with the exception of Section 2, subsection 3e and Section 23. See Governor's Item Veto Message.
- [H.F. 2461](#) – Updating the code references to the Internal Revenue Code and including retroactive applicability and effective date provisions. Approved 5-30-06.
- [H.F. 2521](#) – 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. Approved 5-31-06 with the exception of Section 24. See Governor's Item Veto Message.
- [H.F. 2527](#) – 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 including effective and retroactive applicability dates. Approved 6-1-06 with the exception of Sections 10 and 14. See Governor's Item Veto Message.
- [H.F. 2540](#) – Relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, providing fees, and providing an effective date. Approved 5-31-06 with the exception of Section 29. See Governor's Item Veto Message.
- [H.F. 2546](#) – Allowing private landowners limited immunity from premises liability during urban deer control hunts. Approved 5-24-06.
- [H.F. 2557](#) – Relating to and making appropriations to the judicial branch. Approved 5-30-06.
- [H.F. 2558](#) – Relating to and making appropriations to the justice system, providing a fee, and providing an effective date. Approved 6-2-06 with the exception of Section 22. See Governor's Item Veto Message.

- [H.F. 2562](#) – To make electronic mail and telephone billing records of law enforcement agencies confidential if that information is part of an investigation. Approved 5-24-06.
- [H.F. 2567](#) – Creating a multidimensional treatment level foster care program. Approved 5-24-06.
- [H.F. 2571](#) – Relating to the confidentiality and release of an intelligence assessment or intelligence data. Approved 5-31-06.
- [H.F. 2593](#) – Relating to activities of lobbyists and the ethical conduct of state officials and employees. Approved 5-31-06.
- [H.F. 2612](#) – Providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty. Approved 5-24-06.
- [H.F. 2633](#) – Relating to the definition of recycling property for purposes of the property tax exemption for pollution-control or recycling property and providing an applicability date. Approved 5-24-06.
- [H.F. 2651](#) – Relating to juvenile court records and restitution orders. Approved 6-2-06.
- [H.F. 2661](#) – Relating to the Linked Investments For Tomorrow Act. Approved 6-2-06.
- [H.F. 2686](#) – Providing for technical and substantive changes relating to the Iowa Communications Network, and relating to funding of the network. Approved 5-24-06.
- [H.F. 2697](#) – Relating to the confinement of a prisoner in a municipal holding facility or county jail. Approved 5-31-06.
- [H.F. 2706](#) – Providing for the confidentiality of certain records relating to charitable donations made to a foundation acting solely for the support of an institution governed by the state Board of Regents, to a private foundation as defined in Section 509 of the Internal Revenue Code organized for the support of a government body, or to an Endow Iowa qualified community foundation, as defined in Section 15E.303, organized for the support of a government body. Approved 5-24-06.
- [H.F. 2708](#) – Concerning the Veterans Trust Fund by providing for the minimum balance necessary in order to expend funds from the Veterans Trust Fund, providing for an individual income tax checkoff for the fund, and providing for an annual report concerning the fund, and including a retroactive applicability provision. Approved 5-8-06.
- [H.F. 2716](#) – Relating to civil actions for personal injury or death, including certain evidentiary, reporting, and study information requirements. Approved 5-24-06.

- [H.F. 2731](#) – Relating to a targeted jobs withholding tax credit to be used for funding improvements in certain urban renewal areas. Approved 5-30-06.
- [H.F. 2734](#) – Relating to and making appropriations to the Department of Human Services, the Department of Elder Affairs, the Iowa Department of Public Health, the Department of Veterans Affairs and the Iowa Veterans Home, the Department of Human Rights, and the Department of Inspections and Appeals, providing for fee increases, and including other related provisions and appropriations, and including effective, applicability, and retroactive applicability date provisions. Approved 6-2-06 with the exception of Sections 63 and 123. See Governor's Item Veto Message.
- [H.F. 2740](#) – Relating to the judicial branch and court administration and procedure and providing a penalty. Approved 5-24-06.
- [H.F. 2743](#) – Relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund, and providing an effective date. Approved 6-1-06 with the exception of Section 1, subsection 3, paragraph k. See Governor's Item Veto message.
- [H.F. 2748](#) – Providing for the retention of fees by licensing boards, and the bureau of radiological health, under the purview of the Iowa Department of Public Health, providing for the nontransferability of specified fees, and providing effective date. Approved 6-1-06.
- H.F. 2751 – Relating to eligibility for the military service property tax credit and exemption and including effective and applicability date provisions. Approved 5-8-06.
- [H.F. 2754](#) – Relating to renewable fuel and energy, providing incentives for infrastructure used to store and dispense renewable fuel, providing for income tax credits, providing for penalties, and providing effective and applicability dates, including retroactive applicability. Approved 5-30-06.
- [H.F. 2759](#) – Relating to renewable fuel, by providing for the appropriation of moneys to support renewable fuel infrastructure, providing for tax credits, and providing contingent and other effective dates. Approved 5-30-06 with the exception of Sections 20 and 21; Sections 4 and 5; Section 7; Sections 23 and 24. See Governor's Item Veto message.
- [H.F. 2764](#) – Authorizing a school district to share its portion of incremental property taxes with a contiguous school district. Approved 6-1-06.
- [H.F. 2765](#) – Concerning the military division of the department of public defense. Approved 5-30-06.



- [H.F. 2769](#) – Relating to the community empowerment initiative and making an appropriation. Approved 6-1-06.
- [H.F. 2772](#) – Creating a brain injury services program and providing for allocation of a previously enacted appropriation. Approved 5-23-06.
- [H.F. 2774](#) – Relating to trust and agency funds by allowing city contributions for pension and related employee benefits pursuant to contracted public safety services. Approved 5-24-06.
- [H.F. 2775](#) – Relating to the judicial branch including the assessment of court fees and costs. Approved 5-30-06.
- [H.F. 2777](#) – Relating to certification to the county auditor of the amount of loans, advances, indebtedness, or bonds issued or incurred for urban renewal purposes. Approved 5-24-06.
- [H.F. 2780](#) – Relating to persons with mental illness, mental retardation, developmental disabilities, or brain injury by addressing purposes and quality standards for services and other support available for such persons, establishing basic financial eligibility standards, addressing state and county financial responsibility for the cost of the services and other support, changing the name of a departmental division, providing for an increase in the reimbursement of certain service providers, and providing effective and applicability dates. Approved 5-23-06.
- [H.F. 2782](#) – Relating to and making appropriations to state departments and agencies from the Rebuild Iowa Infrastructure Fund, Environment First Fund, Tobacco Settlement Trust Fund, Vertical Infrastructure Fund, the Endowment for Iowa's Health Restricted Capitals Fund, the Technology Reinvestment Fund, the Endowment for Iowa's Health Account, the Public Transit Infrastructure Grant Fund, the Iowa Great Places Program Fund, and related matters and providing immediate, retroactive, and future effective dates. Approved 5-31-06.
- [H.F. 2786](#) – Relating to civil actions and the foreclosure of real estate mortgages, and providing fees and applicability provisions. Approved 5-24-06.
- [H.F. 2789](#) – Relating to assessing court costs and modifying fines, providing for indigent defense, and making appropriations, to the judicial branch, attorney general, department of corrections and department of inspections and appeals. Approved 6-2-06.
- [H.F. 2791](#) – Concerning community foundations and economic development relating to the Endow Iowa Tax credit, the allocation of gambling tax revenues, the distribution of county endowment moneys, making an appropriation, and providing an effective date. Approved 5-31-06.

- [H.F. 2792](#) – Relating to government operations and finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, the department of veterans affairs, and the state board of Regents, providing for participation in an instructional support program by school districts, relating to education standards and services providing for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates. Approved 6-1-06 with the exception of Section 10; Section 27, subsection 1, paragraphs a, b, c and d; Section 27, subsection 4, paragraphs a, b and c; Section 27, subsection 5; Section 42. See Governor's Item Veto Message.
- [H.F. 2794](#) – Relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of and tax exemptions under the income, sales, use, local option sales, and property taxes, updating the streamlined sales and use tax, and including effective and retroactive applicability date provisions. Approved 6-1-06.
- [H.F. 2797](#) – Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, reducing, and transferring appropriations, providing for salaries and compensation of state employees, providing for fees and penalties, providing tax exemptions, and providing for properly related matters, and including effective and retroactive applicability date provisions. Approved 6-2-06 with the exception of Sections 37, 52, 81 and 83. See Governor's Item Veto Message.
- [S.F. 2076](#) – Relating to confinement feeding operations and by providing for manure management plans. Vetoed 6-2-06. See Governor's Veto Message.
- [S.F. 2183](#) – Relating to the certification of enterprise zones and incentives and assistance under the enterprise zone program and including effective date and retroactive applicability provisions. Approved 5-30-06.
- [S.F. 2217](#) – Relating to health and human services programs and procedures involving compliance with privacy laws applicable to mental health, mental retardation, developmental disability and brain injury services data, medical assistance program eligibility, creation of an electronic health records system task force, foster parent training, young adults transitioning from foster care, and persons with a developmental disability or other special need and the persons'

families, and involuntary hospitalization proceedings. Approved 6-2-06.

- [S.F. 2249](#) – Relating to the rights and responsibilities of a person providing family foster care. Approved 6-2-06.
- [S.F. 2268](#) – Relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates. Approved 6-2-06.
- [S.F. 2272](#) – Relating to the duties and operations of the state board of education, the department of education, the board of educational examiners, and local school boards. Approved 6-1-06.
- [S.F. 2312](#) – Providing grants on behalf of veterans seriously injured in a combat zone, providing income tax exclusions, and including an effective date and retroactive applicability provision. Approved 5-8-06.
- S.F. 2333 – Relating to the transfer of veterans commemorative property placed in a cemetery, recodifying a provision regarding veteran markers, and providing a penalty. Approved 5-8-06.
- [S.F. 2362](#) – Relating to involuntary hospitalization proceedings for chronic substance abusers and persons with mental illness. Approved 5-24-06.
- [S.F. 2363](#) – Relating to water quality standards. Approved 5-31-06.
- [S.F. 2364](#) – Relating to various matters under the purview of the insurance division of the department of commerce including the securities and regulated industries bureau, insurance premium taxes, the Uniform Security Act, insurance division procedures including fees and an appropriation, regulation of insurance companies and other entities including administrative penalties, motor vehicle service contracts, county and state mutual insurance associations, reciprocal or interinsurance insurers, consolidation, merger and reinsurance contracts, insurance holding company systems, and cemeteries. Approved 5-24-06.
- [S.F. 2377](#) – Relating to animal feeding operations by providing for standards and evaluations by the Department of Natural Resources. Vetoeo 5-31-06. See Governor's Veto Message.
- [S.F. 2390](#) – Relating to the sales and use tax exemption for central office equipment and transmission equipment used in telecommunications operations. Approved 6-2-06.
- [S.F. 2391](#) – Relating to the assessment for property taxation purposes of machinery, equipment, and fixtures used at concrete mixing facilities and hot mix asphalt facilities and including effective date and retroactive applicability date provisions. Approved 5-31-06

- [S.F. 2398](#) – Providing a sales tax exemption for purchases of solar energy equipment. Approved 5-30-06.
- [S.F. 2399](#) – Relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including effective dates. Approved 5-30-06.
- [S.F. 2402](#) – Relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions. Approved 5-30-06.
- [S.F. 2408](#) – Relating to elderly income tax relief by providing for an elderly taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions. Approved 5-22-06.
- [S.F. 2409](#) – Allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions. Approved 6-2-06.
- [S.F. 2410](#) – Relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, employment rights of employees making a disclosure of information, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable. Approved 6-1-06.

### GOVERNOR'S VETO MESSAGES

June 2, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2351](#), an Act relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions.

While I support exploring legislative remedies aimed at preventing any unintended expansion of eminent domain authority that may result from the Kelo Supreme Court decision I find that the restrictions in [HF 2351](#) went too far. I am convinced that Iowa's economy, which we have all worked so hard to nurture and develop over the last eight years, will be negatively impacted should [HF 2351](#) become law and place us at a competitive disadvantage with other states.

I am particularly troubled with the provisions that restrict the use of eminent domain for redevelopment purposes to areas defined as slum or blighted. These new standards threaten anticipated economic development projects that will result in job creation throughout the state. The most obvious example is the planned expansion of a plastics plant in the city of Clinton. This \$280 million project, which expects to create over one hundred high paying jobs, would be at risk if [HF 2351](#) was current law. It is widely known that the General Assembly delayed the effective date of portions of this bill several months so that this project could continue. Delaying the effective date is an admission by the General Assembly of the bill's potential damage.

A rail spur for an ethanol plant in Dyersville, redevelopment of commercial property in Burlington, and a new municipal airport near Pella are further examples of proposed projects that would be in jeopardy if [HF 2351](#) were to be signed. With those projects in mind, and the many others to come, we must recognize that protecting private property can be achieved without sacrificing economic development and job growth so vital to Iowa.

The United States Supreme Court's decision in Kelo affirmed that a government may not take private property solely for the private benefit of a particular person. Since the Kelo decision several states have purported to restrict the use of eminent domain for economic development purposes, but have made numerous exceptions because they recognize that restrictions that are too harsh will have a chilling impact on economic development and job creation.

Today, Iowa property owners are protected from eminent domain abuse by the United States Constitution and several statutes in the Iowa Code. Nonetheless, eminent domain should always be a last resort for governmental entities needing private property for a public purpose. In those very limited circumstances where the use of eminent domain is necessary, Iowa's existing laws lay out a very long and detailed set of steps and procedures that must be followed to protect landowners. The requirement that landowners receive "just compensation," for example, means that they are entitled to full market value for any property taken to advance a public project. Attached are charts of the required steps.

I am committed to ensuring Iowa landowners are protected from the use of eminent domain exclusively for the private benefit of others. If legislative leaders decide to call a special legislative session for the limited purpose of adopting sensible reform that protects both private property and job creation, I will continue to work with them to craft such reform. If not, I will appoint a special task force to study the impact of the Kelo decision on eminent domain law in Iowa and propose specific legislative recommendations to be considered by future legislatures.

For the above reasons, I respectfully disapprove [House File 2351](#).

Sincerely,  
Thomas J. Vilsack  
Governor

June 2, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2076](#), a bill for an act relating to confinement feeding operations and by providing for manure management plans.

I am keenly aware of the importance of the livestock industry in Iowa and the tremendous economic impact it contributes to the health of Iowa's economy. Iowa has witnessed unprecedented growth in the swine industry across the state with new permitted and non-permitted facilities. I have serious concerns, however, with the policy changed established in section two of the bill. The new language would allow a person renting land for crop production to spread manure without express permission or knowledge of the landowner. Current law limits the authority to execute written agreements for manure application to the owner of the land. This bill would create real opportunity for friction between neighbors, which is contrary to Iowa values.

I cannot accept section two of the bill as it will weaken landowners' rights to make decisions concerning their own land. A landowner is in the best position to determine what is applied to their land not a renter of the land. Tenants can still negotiate and contract with landowners for the right to apply manure to rented land.

This office supports section one of the bill as it would help streamline the process of filling manure management plans and for this reason I will ask the Department of Natural Resources to expedite electronic filing on manure management plans.

For the reasons stated above I disapprove of [Senate File 2076](#).

Sincerely,  
Thomas J. Vilsack  
Governor

May 31, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2377](#), an Act relating to animal feeding operations, by providing for standards and evaluations by the Department of Natural Resources.

[SF 2377](#) is an attempt to pre-empt a proposed rule by the Department of Natural Resources, which defines the circumstances in which DNR would have authority to deny a construction permit or require modifications of a manure management plan.

The passage of [SF 2377](#) represents a significant step backward in the state's ability to protect the environment at a time when we are making great strides and significant investments toward improving water quality.

The discussion on the proposed "department evaluation" administrative rules has prompted spirited debate regarding the potential implications of the DNR having this authority. The facts, however, are that in the last four years, more than 2,000 new livestock confinement facilities have been constructed in Iowa. Had these rules been in place during this growth in the industry, less than 1% of these operations would have been affected and only in areas where the potential environmental impact was obvious, as defined by rule. The DNR proposed rule is a step toward being able to control a handful of operations that could adversely impact Iowa's natural resources.

Given the record number of new livestock operations being constructed, the citizens of Iowa are becoming more vocal in demanding protection of the environment. The General Assembly has previously charged DNR with the primary responsibility of protecting the environment and managing water resources in this state. If the General Assembly no longer wishes for DNR to carry out that mandate, it should address the issue directly instead of attempting to undermine the ability of the Department to perform its core mission through this legislation.

The fact that [SF 2377](#) would prevent reasonable additional protection of Iowa's environment, and could also result in weakening existing rule authority, makes this bill unacceptable. For the above reasons, I hereby respectfully disapprove [Senate File 2377](#).

Sincerely,  
Thomas J. Vilsack  
Governor

#### GOVERNOR'S ITEM VETO MESSAGES

May 31, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2459](#), an Act relating to and making appropriations to the Department of Economic Development, certain Board of Regents institutions, the Department of Workforce Development, the Iowa Finance Authority, and the Public Employee Relations Board, related matters, and providing effective and retroactive applicability dates.

[House File 2459](#) is approved on this date with the following exceptions, which I hereby disapprove:

I am unable to approve the item designated as Section 2, Subsection 3e in its entirety. It is critically important that the State's interstate welcome centers remain open seven days a week and allowed to serve the nearly 250,000 travelers that visit those centers annually. Currently, the brochure enrollment revenue that comes from non-profit organizations is used for staffing these centers. Without those funds, the centers would be closed several days a week.

I am unable to approve the item designated as Section 23. Not only does this language create an unnecessary bureaucratic step in the efficient operation of state government, but it also calls into question the cost-savings produced by the state motor pool while disregarding the benefits that the state of Iowa derives from maintaining a state motor pool.

The cost-savings of maintaining a state motor pool are clear. In meetings with legislators and the private sector this legislative session and prior legislative sessions, the Department of Administrative Services (DAS) has continually shown that it provides a cost-effective service and the private sector has not shown that they can provide a similar service for the same or a lesser amount. It should also be noted that the state motor pool is a marketplace service that currently competes with the private sector for its state customer business.

In addition, this language only addresses the fiscal impact of the state motor pool and does not recognize other benefits of maintaining a state motor pool. The State of Iowa benefits greatly from having accessibility to a full service, on-site motor pool team with the sole responsibility of maintaining the state motor pool, which ensures convenience to the motor pool's customers, state agencies. In signing Executive Order 41, I requested that DAS take the initiative to move its fleet towards flexible fuel vehicles (vehicles that can either use E-85 or soy biodiesel). By December of 2007, 90% of eligible motor pool vehicles will be flexible fuel vehicles, which will encourage and contribute to the use of renewable fuels.

The state motor pool consistently provides cost-effective services to state agencies that enhance the ability of state government to operate efficiently and promotes Iowa's image as a leader in renewable energy.

For the above reasons, I respectfully disapprove this item in accordance with Article 3 Section 16 of the Constitution of the State of Iowa. All other items in [House File 2459](#) are hereby approved as of this date.

Sincerely,  
Thomas J. Vilsack  
Governor

May 31, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L



Dear Mr. Secretary:

I hereby transmit [House File 2521](#), 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.

[House File 2521](#) is approved on this date with the following exception, which I hereby disapprove:

I am unable to approve the item designated as Section 24 in its entirety. Not only does this language create an unnecessary bureaucratic step in the efficient operation of state government, but it also calls into question the cost-savings produced by the state motor pool while disregarding the benefits that the state of Iowa derives from maintaining a state motor pool.

The cost-savings of maintaining a state motor pool are clear. In meetings with legislators and the private sector this legislative session and prior legislative sessions, the Department of Administrative Services (DAS) has continually shown that it provides a cost-effective service and the private sector has not shown that they can provide a similar service for the same or a lesser amount. It should also be noted that the state motor pool is a marketplace service that currently competes with the private sector for its state customer business.

In addition, this language only addresses the fiscal impact of the state motor pool and does not recognize other benefits of maintaining a state motor pool. The State of Iowa benefits greatly from having accessibility to a full service, on-site motor pool team with the sole responsibility of maintaining the state motor pool, which ensures convenience to the motor pool's customers, state agencies. In signing Executive Order 41, I requested that DAS take the initiative to move its fleet towards flexible fuel vehicles (vehicles that can either use E-85 or soy biodiesel). By December of 2007, 90% of eligible motor pool vehicles will be flexible fuel vehicles, which will encourage and contribute to the use of renewable fuels.

The state motor pool consistently provides cost-effective services to state agencies that enhance the ability of state government to operate efficiently and promotes Iowa's image as a leader in renewable energy.

For the above reasons, I respectfully disapprove this item in accordance with Article 3 Section 16 of the Constitution of the State of Iowa. All other items in [House File 2521](#) are hereby approved as of this date.

Sincerely,  
Thomas J. Vilsack  
Governor

June 1, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol  
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2527](#), 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 including effective and retroactive applicability dates.

The best legislative efforts occur when people work together. Thanks to the leadership and collaboration of the executive branch and legislators, the 2006 Legislative Session delivered results for all sectors of education.

[House File 2527](#) is approved on this date, with the following exceptions, which I hereby disapprove:

I am unable to approve the item designated as Section 10 in its entirety. This section should have been removed from the bill when the Teacher Quality language was moved to [HF 2792](#). Vetoing this section is a corrective action to remove the conflict with language in [HF 2792](#).

I am unable to approve the item designated as Section 14 in its entirety. Not only does this language create an unnecessary bureaucratic step in the efficient operation of state government, but it also calls into question the cost-savings produced by the state motor pool while disregarding the benefits that the state of Iowa derives from maintaining a state motor pool.

The cost-savings of maintaining a state motor pool are clear. In meetings with legislators and the private sector this legislative session and prior legislative sessions, the Department of Administrative Services (DAS) has continually shown that it provides a cost-effective service and the private sector has not shown that they can provide a similar service for the same or a lesser amount. It should also be noted that the state motor pool is a marketplace service that currently competes with the private sector for its state customer business.

In addition, this language only addresses the fiscal impact of the state motor pool and does not recognize other benefits of maintaining a state motor pool. The State of Iowa benefits greatly from having accessibility to a full service, on-site motor pool team with the sole responsibility of maintaining the state motor pool, which ensures convenience to the motor pool's customers, state agencies. In signing Executive Order 41, I requested that DAS take the initiative to move its fleet towards flexible fuel vehicles (vehicles that can either use E-85 or soy biodiesel). By December of 2007, 90% of eligible motor pool vehicles will be flexible fuel vehicles, which will encourage and contribute to the use of renewable fuels.

The state motor pool consistently provides cost-effective services to state agencies that enhance the ability of state government to operate efficiently and promotes Iowa's image as a leader in renewable energy.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [House File 2527](#) are hereby approved this date.

Sincerely,  
Thomas J. Vilsack  
Governor

May 31, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2540](#), an Act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, providing fees, and providing an effective date.

[House File 2540](#) is approved on this date with the following exception, which I hereby disapprove:

I am unable to approve the item designated as Section 29 in its entirety. Not only does this language create an unnecessary bureaucratic step in the efficient operation of state government, but it also calls into question the cost-savings produced by the state motor pool while disregarding the benefits that the state of Iowa derives from maintaining a state motor pool.

The cost-savings of maintaining a state motor pool are clear. In meetings with legislators and the private sector this legislative session and prior legislative sessions, the Department of Administrative Services (DAS) has continually shown that it provides a cost-effective service and the private sector has not shown that they can provide a similar service for the same or a lesser amount. It should also be noted that the state motor pool is a marketplace service that currently competes with the private sector for its state customer business.

In addition, this language only addresses the fiscal impact of the state motor pool and does not recognize other benefits of maintaining a state motor pool. The State of Iowa benefits greatly from having accessibility to a full service, on-site motor pool team with the sole responsibility of maintaining the state motor pool, which ensures convenience to the motor pool's customers, state agencies. In signing Executive Order 41, I requested that DAS take the initiative to move its fleet towards flexible fuel vehicles (vehicles that that can either use E-85 or soy biodiesel). By December of 2007, 90% of eligible motor pool vehicles will be flexible fuel vehicles, which will encourage and contribute to the use of renewable fuels.

The state motor pool consistently provides cost-effective services to state agencies that enhance the ability of state government to operate efficiently and promotes Iowa's image as a leader in renewable energy.

For the above reasons, I respectfully disapprove this item in accordance with Article 3 Section 16 of the Constitution of the State of Iowa. All other items in [House File 2540](#) are hereby approved as of this date.

Sincerely,  
Thomas J. Vilsack  
Governor

June 2, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2558](#), an Act relating to and making appropriations to the justice system, providing a fee, and providing an effective date.

[House File 2558](#) is approved on this date with the following exception, which I hereby disapprove:

I am unable to approve the item designated as Section 22 in its entirety. Not only does this language create an unnecessary bureaucratic step in the efficient operation of state government, but it also calls into question the cost-savings produced by the state motor pool while disregarding the benefits that the state of Iowa derives from maintaining a state motor pool.

The cost-savings of maintaining a state motor pool are clear. In meetings with legislators and the private sector this legislative session and prior legislative sessions, the Department of Administrative Services (DAS) has continually shown that it provides a cost-effective service and the private sector has not shown that they can provide a similar service for the same or a lesser amount. It should also be noted that the state motor pool is a marketplace service that currently competes with the private sector for its state customer business.

In addition, this language only addresses the fiscal impact of the state motor pool and does not recognize other benefits of maintaining a state motor pool. The State of Iowa benefits greatly from having accessibility to a full service, on-site motor pool team with the sole responsibility of maintaining the state motor pool, which ensures convenience to the motor pool's customers, state agencies. In signing Executive Order 41, I requested that DAS take the initiative to move its fleet towards flexible fuel vehicles (vehicles that that can either use E-85 or soy biodiesel). By December of 2007, 90% of eligible motor pool vehicles will be flexible fuel vehicles, which will encourage and contribute to the use of renewable fuels.

The state motor pool consistently provides cost-effective services to state agencies that enhance the ability of state government to operate efficiently and promotes Iowa's image as a leader in renewable energy.

For the above reasons, I respectfully disapprove this item in accordance with Article 3 Section 16 of the Constitution of the State of Iowa. All other items in [House File 2558](#) are hereby approved as of this date.

Sincerely,  
Thomas J. Vilsack  
Governor

June 2, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2734](#), an Act relating to and making appropriations to the Department of Human Services, the Department of Elder Affairs, the Iowa Department of Public Health, the Department of Veterans Affairs and the Iowa Veterans Home, the Department of Human Rights, and the Department of Inspections and Appeals, providing for fee increases, and including other related provisions and appropriations, and including effective, applicability, and retroactive applicability date provisions.

[House File 2734](#) is approved on this date with the following exceptions, which I hereby disapprove:

I am unable to approve the bracketed portions of the item identified as section 63. This section restricts the flexibility of the executive branch to transfer funds so that it can meet the priorities of Iowa's citizens. Accordingly, this provision threatens the ability to efficiently and effectively provide health care security, opportunities through job creation, and a world-class education that Iowans expect and deserve.

I am unable to approve the item designated as Section 123 in its entirety. Not only does this language create an unnecessary bureaucratic step in the efficient operation of state government, but it also calls into question the cost-savings produced by the state motor pool while disregarding the benefits that the state of Iowa derives from maintaining a state motor pool.

The cost-savings of maintaining a state motor pool are clear. In meetings with legislators and the private sector this legislative session and prior legislative sessions, the Department of Administrative Services (DAS) has continually shown that it provides a cost-effective service and the private sector has not shown that they can provide a similar service for the same or a lesser amount. It should also be noted that the state motor pool is a marketplace service that currently competes with the private sector for its state customer business.

In addition, this language only addresses the fiscal impact of the state motor pool and does not recognize other benefits of maintaining a state motor pool. The State of Iowa benefits greatly from having accessibility to a full service, on-site motor pool team with the sole responsibility of maintaining the state motor pool, which ensures

convenience to the motor pool's customers, state agencies. In signing Executive Order 41, I requested that DAS take the initiative to move its fleet towards flexible fuel vehicles (vehicles that that can either use E-85 or soy biodiesel). By December of 2007, 90% of eligible motor pool vehicles will be flexible fuel vehicles, which will encourage and contribute to the use of renewable fuels.

The state motor pool consistently provides cost-effective services to state agencies that enhance the ability of state government to operate efficiently and promotes Iowa's image as a leader in renewable energy.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [House File 2734](#) are hereby approved this date.

Sincerely,  
Thomas J. Vilsack  
Governor

June 1, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2743](#), an Act relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund, and providing an effective date.

[House File 2743](#) is approved on this date, with the following exception which I hereby disapprove:

I am unable to approve the item designated as a portion of Section 1, subsection 3, paragraph k. This language requires allocation of funds for the implementation of a treatment program at the Iowa Correctional Institution for Women in Mitchellville. A similar value-based treatment program at the Newton Correctional Facility is the subject of a constitutional challenge currently before the U.S. District Court. In order to avoid confusion, state appropriations for value-based treatment programming should not be expanded to other correctional institutions until the courts resolve this issue and provide clear direction as to what is and is not permissible.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [House File 2743](#) are hereby approved this date.

Sincerely,  
Thomas J. Vilsack  
Governor

May 30, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol  
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2759](#), an Act relating to renewable fuel, by providing for the appropriation of moneys to support renewable fuel infrastructure, providing for tax credits, and providing contingent and other effective dates.

[House File 2759](#) is approved on this date with the following exceptions, which I hereby disapprove:

I am unable to approve the items designated as Section 20 and 21 in their entirety. These sections would repeal the E-85 cost share program established by the General Assembly last year and transfer the dollars to the newly-established renewable fuels program. I am concerned that these two sections would terminate the successful E-85 program before the new renewable fuels program and the new board is ready to step in and take its place. Because of the success of the E-85 cost share program, we have a pool of applications still pending and additional are ready to go directly to retailers as soon as the new fiscal year begins in July of 2006. Disapproving these items, therefore, will enable Iowa retailers to upgrade facilities for E-85 fuel more promptly and avoid unnecessary delays.

I am unable to approve the items designated as Section 4, 5 in their entirety. These two sections remove references to E-85 cost share program repealed in sections 20 and 21.

I am unable to approve the item designated as Section 7 in its entirety. This section appropriates an open-ended amount of money to the Department of Agriculture and Land Stewardship for motor fuel quality assurance out of the funds appropriated for financial incentives to fuel retailers. While it is important that the Department obtain the resources necessary to assure motor fuel quality, it should not come at the expense of our critical efforts to promote and expand access to renewable fuels in this State. Rather, the resources for assuring the quality of our motor fuel should be developed through the normal appropriations process.

I will recommend additional funding to the Department of Agriculture and Land Stewardship for motor fuel quality assurance in the final budget that I submit to the General Assembly in January 2007.

Additionally, I am unable to approve a portion of the item designated as Section 23, as well as the item designated as Section 24 in its entirety. These items make the provisions in Section 7 effective upon enactment. Because I have disapproved Section 7, these items should not be approved.

For the above reasons, I respectfully disapprove these items in accordance with Article 3 Section 16 of the Constitution of the State of Iowa. All other items in [House File 2759](#) are hereby approved as of this date.

Sincerely,  
Thomas J. Vilsack  
Governor

June 1, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol  
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2792](#), an Act relating to government operations and finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, the department of veterans affairs, and the state board of Regents, providing for participation in an instructional support program by school districts, relating to education standards and services providing for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates.

In order to provide Iowa's students with the highest quality teachers, this bill makes a significant three-year commitment to increase compensation for Iowa's beginning and career teachers by \$35 million in FY07, \$70 million in FY08, and \$105 million in FY09. The initiative also supports the continued development of teachers and administrators by providing professional development and mentoring opportunities for Iowa's educators.

In addition, we have solidified the involvement of teacher-librarians in increasing student achievement and created the possibility for teachers in shortage areas and high-need schools to receive additional compensation.

The bill strengthens Iowa's education system by expanding English Language Learning to provide an additional year of assistance to those learning English.

The bill creates equity in property tax allocation across school districts that will allow innovation and efficiencies.

[House File 2792](#) is approved on this date, with the following exceptions, which I hereby disapprove:

I am unable to approve the designated portion of Section 10. This language was intended to further clarify the definition of a teacher with respect to AEA employees. It appears that an unintended consequence of this language is that it may result in



including AEA staff members who are non-classroom teachers as eligible for the teacher compensation program. The department of education will work with the AEA system to create language for next year that will work for everyone.

I am unable to approve the designated portions of Section 27 subsection 1 paragraphs a, b, c, and d. Section 27 creates a Pay-for-Performance Commission to design and implement a pay-for-performance program, specifies the commission members and their terms. The language was not part of an agreed upon negotiation and is too prescriptive. I am issuing an Executive Order to have the Institute for Tomorrow's Workforce take the lead on this study. The Institute for Tomorrow's Workforce was created by the General Assembly last year to provide a long-term forum for bold, innovative recommendations to improve Iowa's education system and is well suited for this challenging task.

I am unable to approve the designated portions of Section 27 subsection 4, paragraph a. The designated portion of this paragraph requires that the measure of student performance be based solely on tests of student achievement. There is a solid body of evidence showing that no one assessment can account for all of the variables that contribute to positive student achievement. If a pay-for-performance system is possible to design, it must be aligned with the existing Iowa Teacher Performance, Compensation and Career Development law. The designated portions of this section fail to do so.

I am unable to approve the designated portions of Section 27 subsection 4, paragraph b. This paragraph would prohibit pay-for-performance for teachers whose students, while improving, did not meet a predetermined and perhaps arbitrary level of performance. We should encourage, not discourage, student performance.

I am unable to approve the designated portions of Section 27 subsection 4, paragraph c. This paragraph would require the department of education to create a teacher remediation program for teachers. The Department of Education must not do this in isolation. Any meaningful remediation must be done by the principal and school district board in conjunction with the teacher involved.

I am unable to approve the designated portions of Section 27 subsection 5. This section allocates responsibility to the legislative services agency for providing technical and administrative assistance. It is inappropriate for an executive branch function. This represents an infringement on appropriate separation of powers. A more effective approach would be to ask the Department of Education to provide support.

I am unable to approve the item designated as Section 42, in its entirety. This section adds one new voting member to the Iowa College Student Aid Commission, and requires that the member be a representative of a proprietary higher education institution. As part of legislative negotiations, it was agreed to remove this section from the bill but the language was inadvertently left in the final version. An item veto has been requested by leadership of both the House and Senate. I hereby veto this change to Iowa Code section 261.1, subsection 5.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [House File 2792](#) are hereby approved this date.

Sincerely,  
Thomas J. Vilsack  
Governor

June 2, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2797](#), an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, reducing, and transferring appropriations, providing for salaries and compensation of state employees, providing for fees and penalties, providing tax exemptions, and providing for properly related matters, and including effective and retroactive applicability date provisions.

[House File 2797](#) is approved on this date with the following exceptions, which I hereby disapprove:

I am unable to approve the items designated as Section 37 and Section 52 in their entirety. Both provisions direct the Department of Natural Resources to borrow money from the manure management indemnity fund for database upgrades. The related legislation ([HF 2755](#)), however, did not pass both chambers so these items are no longer necessary.

I am unable to accept the item designated as Section 81 in its entirety. This provision adds "canines from licensed facilities" to the list of farm products under chapter 352 of the Iowa Code. That chapter allows counties to regulate land use through adoption of zoning ordinances if a county so chooses. To include licensed canine facilities to the list of farm products would eliminate a county's ability to address the concerns of neighbors and the impacts such operations would have on adjacent property.

Commercial dog kennels are generally the type of use that most zoning ordinances only allow as a "special use" rather than a "permitted use." Special uses generally require public hearings before a Zoning Board of Adjustments, which gives neighbors the right to know and voice input during the review process. Approval of this bill would eliminate that right.

I am unable to accept the item designated as Section 83 in its entirety. This provision adds "canines from licensed facilities" to the definition of an "agricultural product" under chapter 423.1 of the Iowa Code, thereby eliminating the sales tax on inputs for commercial dog kennels. Simply put, breeding dogs is not equivalent to any

of the other activities that fall within the definition of an agricultural product, which includes "flowering, ornamental, or vegetable plants and those products of aquaculture." Moreover, other services involved in the breeding and raising companion animals must charge sales tax, including veterinary and grooming services. There is no compelling reason why commercial dog kennels should enjoy a tax advantage not offered to others in the business of raising companion animals.

Concern has been raised about the item designated as Section 87 of this bill. This provision allows for an employee of a property management company to institute a claim in small claims court on behalf of the property owner. This language was in response to a recent change in Polk County to the longstanding practice of allowing property management companies to initiate actions in small claims court. I call upon the General Assembly to review this provision next legislative session to make it clear that this change does not ease restrictions on the unauthorized practice of law in small claims court.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [House File 2797](#) are hereby approved this date.

Sincerely,  
Thomas J. Vilsack  
Governor