

PROOF

STATE OF IOWA

House Journal

THURSDAY, APRIL 24, 2008

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JOURNAL OF THE HOUSE

One Hundred Second Calendar Day - Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 24, 2008

The House met pursuant to adjournment at 8:15 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Mary Mascher, state representative from Johnson County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nathan Huss, Legislative Secretary to Representative Dave Jacoby of Johnson County.

The Journal of Wednesday, April 23, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Forristall of Pottawattamie and Roberts of Carroll on request of Soderberg of Plymouth.

The House stood at ease at 8:17 a.m., until the fall of the gavel.

The House resumed session at 9:37 a.m., Speaker Murphy 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 April 23, 2008, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2688](#), a bill for an act providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, providing for implementation, and including applicability and effective date provisions.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF [HOUSE RESOLUTION 156](#)

Jacobs of Polk called up for consideration [House Resolution 156](#), a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF [HOUSE RESOLUTION 157](#)

Bell of Jasper called up for consideration [House Resolution 157](#), a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer, and moved its adoption.

The motion prevailed and the resolution was adopted.

Bukta of Clinton in the chair at 9:43 a.m.

ADOPTION OF [HOUSE RESOLUTION 159](#)

Bailey of Hamilton called up for consideration [House Resolution 159](#), a resolution requesting the Congress of the United States to give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Abdul-Samad of Polk called up for consideration [House File 901](#), a bill for an act concerning the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8646](#):

[H-8646](#)

- 1 Amend [House File 901](#), 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 123.32, subsection 4, Code

6 2007, is amended to read as follows:

7 4. SECURITY EMPLOYEE TRAINING. A local authority,

8 as a condition of obtaining and holding a license or

9 permit for on-premises consumption, may require a

10 designated security employee as defined in section

11 123.3 to be trained and certified in security methods.

12 The training shall include but is not limited to

13 ~~mediation de-escalation~~ techniques, ~~anger management~~

14 ~~techniques~~, civil rights or unfair practices awareness

15 as provided in section 216.7, ~~recognition of fake or~~

16 ~~altered identification, information on laws applicable~~

17 ~~to the serving of alcohol at a licensed premises, use~~

18 ~~of force and techniques for safely removing patrons,~~

19 and ~~providing~~ instruction on the proper physical

20 restraint methods used against a person who has become

21 combative.

22 Sec. 2. PILOT PROJECT – ALCOHOLIC BEVERAGE

23 CONTROL – SECURITY EMPLOYEE TRAINING – FEES –

24 REPORT.

25 1. On and after January 1, 2009, and

26 notwithstanding any other provision of law to the

27 contrary, a local authority located in a county with a

28 population as of the most recent decennial census in

29 excess of three hundred thousand persons, shall

30 require a licensee or permittee, as provided in

31 chapter 123, of a premises with an occupancy of at

32 least two hundred persons to have at least one

33 designated security employee, as defined in section

34 123.3, who shall be designated as the supervising

35 security person, who is trained and certified in

36 security methods as provided in this section, on the

37 premises during an event for which an admission or a

38 cover charge of at least five dollars is charged or

39 collected to enter the premises or attend a

40 performance or program on the premises while alcoholic

41 beverages are served or made available to patrons.

42 However, a designated security employee who is a

43 certified peace officer shall be exempt from the

44 requirement to be trained and certified through a

45 program conducted by the division of labor services as

46 provided in this section.

47 2. a. The labor commissioner of the division of

48 labor services of the department of workforce

49 development shall establish and conduct an eight-hour

50 security and safety certification training program for

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1 designated security employees. The commissioner shall

2 assess a fee of not more than fifty dollars to a

3 person participating in the training and issue a
4 certificate to the designated security employee upon
5 successful completion of the training program.
6 b. The training program shall include but is not
7 limited to the following:
8 (1) De-escalation techniques.
9 (2) Anger management techniques.
10 (3) Use of force and techniques for safely
11 removing patrons.
12 (4) Recognition of fake or altered identification.
13 (5) Information on laws applicable to the serving
14 of alcohol at a licensed premises.
15 (6) Disaster preparedness.
16 (7) Communications skills and report writing.
17 (8) Civil rights or unfair practices awareness as
18 provided in section 216.7.
19 (9) Instruction on the proper physical restraint
20 methods used against a person who has become
21 combative.
22 3. Fees assessed pursuant to this section of this
23 Act shall be retained by the commissioner and shall be
24 considered repayment receipts as defined in section
25 8.2, and shall be used to offset the cost of
26 conducting the training. Notwithstanding section
27 8.33, repayment receipts collected by the commissioner
28 for security employee training that remain
29 unencumbered or unobligated at the close of the fiscal
30 year shall not revert but shall remain available for
31 expenditure for the purpose designated until the close
32 of the succeeding fiscal year.
33 4. The labor commissioner of the division of labor
34 services of the department of workforce development
35 and the administrator of the alcoholic beverages
36 division of the department of commerce shall jointly
37 submit a written report to the general assembly by
38 January 1, 2011, concerning the effectiveness of the
39 pilot project and any recommendations for legislative
40 action to expand or modify the pilot project.
41 5. This section of this Act is repealed June 30,
42 2011."
43 2. Title page, line 3, by inserting after the
44 word "permit" the following: "and providing for
45 fees".
46 3. By renumbering as necessary.

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

Abdul-Samad of Polk 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. 901](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Frevert	Gaskill	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Bukta,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Forristall Roberts

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 901](#) be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Quirk of Chickasaw called up for consideration [Senate File 2406](#), a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-8651](#) to the House amendment:

[H-8651](#)

- 1 Amend the House amendment, S-5410, to Senate File
- 2 2406, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 20 the
- 4 following:
- 5 "____. Page 13, by inserting after line 24 the
- 6 following:
- 7 "Sec.____. NEW SECTION. 69.16C MINORITY
- 8 REPRESENTATION.
- 9 All appointive boards, commissions, committees, and
- 10 councils of the state established by the Code if not
- 11 otherwise provided by law should provide, to the
- 12 extent practicable, for minority representation. All
- 13 appointing authorities of boards, commissions,
- 14 committees, and councils subject to this section
- 15 should consider qualified minority persons for
- 16 appointment to boards, commissions, committees, and
- 17 councils. For purposes of this section, "minority"
- 18 means a minority person as defined in section
- 19 15.102.""
- 20 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8651](#), to the House amendment.

Quirk of Chickasaw 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. 2406](#))

The ayes were, 96:

Abdul-Samad
Bailey

Alons
Baudler

Anderson
Bell

Arnold
Berry

Boal	Chambers	Clute	Cohon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Frevert	Gaskill	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Jacobs	Jacoby	Jochum
Kaufmann	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Bukta, Presiding

The nays were, 2:

Huser Rants

Absent or not voting, 2:

Forristall Roberts

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 2406](#) be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House File 2693](#).

The House stood at ease at 10:09 a.m., until the fall of the gavel.

The House resumed session at 10:53 a.m., Whitead of Woodbury in the chair.

Speaker Murphy in the chair at 11:08 a.m.

QUORUM CALL

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

CONSIDERATION OF BILLS Regular Calendar

[House File 2693](#), a bill for an act pertaining to employers' participation in unemployment insurance adjudications, with report of committee recommending passage, was taken up for consideration.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment [H-8574](#) filed by the committee on labor on April 21, 2008, placing out of order amendment [H-8579](#) filed by Horbach of Tama on April 21, 2008.

[SENATE FILE 2160](#) SUBSTITUTED FOR [HOUSE FILE 2693](#)

T. Taylor of Linn asked and received unanimous consent to substitute [Senate File 2160](#) for [House File 2693](#).

[Senate File 2160](#), a bill for an act relating to employers' participation in unemployment insurance adjudications, was taken up for consideration.

T. Taylor of Linn offered amendment [H-8641](#) filed by him as follows:

[H-8641](#)

- 1 Amend [Senate File 2160](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "b." the following: "(1)".
- 5 2. Page 1, line 27, by striking the words "not
- 6 participating in the initial determination".
- 7 3. Page 1, line 27, by inserting after the word
- 8 "shall" the following: "not".
- 9 4. Page 1, by inserting after line 28 the
- 10 following:

11 " (2) An accounting firm, agent, unemployment
12 insurance accounting firm, or other entity that
13 represents an employer in unemployment claim matters
14 and demonstrates a continuous pattern of failing to
15 participate in the initial determinations to award
16 benefits, as determined and defined by rule by the
17 department, shall be denied permission by the
18 department to represent any employers in unemployment
19 insurance matters."

20 5. Page 1, by inserting before line 29 the
21 following:

22 "Sec. ____ Section 96.14, subsection 2, paragraph
23 d, Code Supplement 2007, is amended to read as
24 follows:

25 d. A penalty shall not be less than ~~ten dollars~~
26 ~~for the first delinquent report or the first~~
27 ~~insufficient report not made sufficient within thirty~~
28 ~~days after a request to do so. The penalty shall not~~
29 ~~be less than twenty five dollars for the second~~
30 ~~delinquent or insufficient report, and not less than~~
31 ~~fifty thirty-five~~ dollars for each delinquent or
32 insufficient report thereafter, until four consecutive
33 calendar quarters of reports are timely and
34 sufficiently filed. Interest, penalties, and cost
35 shall be collected by the department in the same
36 manner as provided by this chapter for contributions.

37 Sec. ____ Section 96.14, subsection 2, Code
38 Supplement 2007, is amended by adding the following
39 new paragraph:

40 NEW PARAGRAPH. ee. If any tendered payment of any
41 amount due in the form of a check, draft, or money
42 order is not honored when presented to a financial
43 institution, any costs assessed to the department by
44 the financial institution and a fee of thirty dollars
45 shall be assessed to the employer.

46 Sec. ____ Section 96.14, Code Supplement 2007, is
47 amended by adding the following new subsection:

48 NEW SUBSECTION. 17. EMPLOYER SUBPOENA COST AND
49 PENALTY. An employer who is served with a subpoena
50 pursuant to section 96.11, subsection 7, for the

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1 investigation of an employer liability issue, to
2 complete audits, to secure reports, or to assess
3 contributions shall pay all costs associated with the
4 subpoena, including service fees and court costs. The
5 department shall penalize an employer in the amount of
6 two hundred fifty dollars if that employer refused to
7 honor a subpoena or negligently failed to honor a
8 subpoena. The cost of the subpoena and any penalty
9 shall be collected in the manner provided in section

10 96.14, subsection 3.

11 Sec.____. EFFECTIVE DATE. The sections of this
12 Act amending section 96.14 take effect January 1,
13 2009."

14 6. Title page, line 2, by inserting after the
15 word "adjudications" the following: "and unemployment
16 insurance tax penalties, and providing an effective
17 date".

T. Taylor of Linn offered the following amendment [H-8648](#), to amendment [H-8641](#), filed by him and moved its adoption:

[H-8648](#)

1 Amend the amendment, [H-8641](#), to [Senate File 2160](#),
2 as passed by the Senate, as follows:
3 1. Page 1, line 19, by inserting after the word
4 "matters," the following: "This subparagraph does not
5 apply to attorneys or counselors admitted to practice
6 in the courts of this state pursuant to section
7 602.10101."

Amendment [H-8648](#) was adopted.

On motion by T. Taylor of Linn, amendment [H-8641](#), as amended, was adopted.

T. Taylor 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. 2160](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson

Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Forristall Roberts

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 2160](#) be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Hunter of Polk called up for consideration [Senate File 2400](#), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-8650](#) to the House amendment:

[H-8650](#)

- 1 Amend the House Amendment, [S-5330](#), to Senate File
- 2 2400, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "____. Page 1, by inserting before line 1 the
- 7 following:

8 "DIVISION I
 9 ADMINISTRATION AND REGULATION APPROPRIATIONS"
 10 2. Page 1, by inserting after line 6 the
 11 following:
 12 "____. Page 7, by striking lines 3 and 4 and
 13 inserting the following:
 14 " \$ 2,524,462
 15 FTEs 26.25"
 16 _____. Page 7, by striking line 9 and inserting the
 17 following:
 18 " \$ 492,593"
 19 3. Page 1, by inserting after line 18 the
 20 following:
 21 "____. Page 8, by striking line 32 and inserting
 22 the following:
 23 " \$ 356,535"
 24 _____. Page 9, by striking line 3 and inserting the
 25 following:
 26 " \$ 421,700"
 27 _____. Page 9, by striking line 10 and inserting
 28 the following:
 29 " \$ 153,093"
 30 _____. Page 9, by striking line 16 and inserting
 31 the following:
 32 " \$ 217,221"
 33 _____. Page 9, by striking line 22 and inserting
 34 the following:
 35 " \$ 207,035"
 36 _____. Page 9, by striking line 29 and inserting
 37 the following:
 38 " \$ 367,203"
 39 _____. Page 10, by inserting after line 1 the
 40 following:
 41 "7A. NATIVE AMERICAN AFFAIRS DIVISION
 42 For travel reimbursement for members of the
 43 commission on Native American affairs:
 44 \$ 6,000"
 45 7B. DEVELOPMENT ASSESSMENT AND RESOLUTION PROGRAM
 46 For support, maintenance, and miscellaneous
 47 purposes:
 48 \$ 10,000
 49 _____. Page 13, line 19, by striking the words "USE
 50 TAX APPROPRIATION" and inserting the following: "ROAD

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1 USE TAX FUND APPROPRIATION – DEPARTMENT OF
 2 INSPECTIONS AND APPEALS".
 3 _____. Page 13, by striking lines 20 through 22 and
 4 inserting the following: "from the road use tax fund
 5 to the administrative hearings".
 6 4. Page 1, by inserting after line 26 the

7 following:
8 "____. Page 15, by striking line 29 and inserting
9 the following:
10 "..... \$ 1,499,063"
11 5. Page 1, by inserting after line 45 the
12 following:
13 "____. Page 18, line 20, by inserting after the
14 word "this" the following: "division of this".
15 _____. Page 18, line 26, by inserting after the
16 word "this" the following: "division of this".
17 6. Page 1, line 48, by inserting after the word
18 "this" the following: "division of this".
19 7. Page 1, by inserting after line 50 the
20 following:
21 "DIVISION II
22 DEPARTMENT OF ADMINISTRATIVE SERVICES OPERATIONS
23 Sec.____. Section 8.6, Code Supplement 2007, is
24 amended by adding the following new subsection:
25 NEW SUBSECTION. 16. DESIGNATION OF SERVICES –
26 FUNDING – CUSTOMER COUNCILS.
27 a. Establish a process by which the department, in
28 consultation with the department of administrative
29 services, shall determine which services provided by
30 the department of administrative services shall be
31 funded by an appropriation and which services shall be
32 funded by the governmental entity receiving the
33 service.
34 b. Establish a process for determining whether the
35 department of administrative services shall be the
36 sole provider of a service for purposes of those
37 services which the department determines under
38 paragraph "a" are to be funded by the governmental
39 entities receiving the service.
40 c. Establish, by rule, a customer council
41 responsible for overseeing the services provided
42 solely by the department of administrative services.
43 The rules adopted shall provide for all of the
44 following:
45 (1) The method of appointment of members to the
46 council by the governmental entities required to
47 receive the services.
48 (2) The duties of the customer council which shall
49 be as follows:
50 (a) Annual review and approval of the department

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1 of administrative services' business plan regarding
2 services provided solely by the department of
3 administrative services.
4 (b) Annual review and approval of the procedure
5 for resolving complaints concerning services provided

6 by the department of administrative services.

7 (c) Annual review and approval of the procedure
8 for setting rates for the services provided solely by
9 the department of administrative services.

10 (3) A process for receiving input from affected
11 governmental entities as well as for a biennial review
12 by the customer council of the determinations made by
13 the department of which services are funded by an
14 appropriation to the department of administrative
15 services and which services are funded by the
16 governmental entities receiving the service, including
17 any recommendations as to whether the department of
18 administrative services shall be the sole provider of
19 a service funded by the governmental entities
20 receiving the service. The department, in
21 consultation with the department of administrative
22 services, may change the determination of a service if
23 it is determined that the change is in the best
24 interests of those governmental entities receiving the
25 service.

26 d. If a service to be provided may also be
27 provided to the judicial branch and legislative
28 branch, then the rules shall provide that the chief
29 justice of the supreme court may appoint a member to
30 the customer council, and the legislative council may
31 appoint a member from the Senate and a member from the
32 House of Representatives to the customer council, in
33 their discretion.

34 Sec. ____ NEW SECTION. 8A.111 REPORTS REQUIRED.

35 The department shall provide all of the following
36 reports:

37 1. An annual report of the department as required
38 under section 7E.3, subsection 4.

39 2. Internal service fund service business plans
40 and financial reports as required under section
41 8A.123, subsection 5, paragraph "a", and an annual
42 internal service fund expenditure report as required
43 under section 8A.123, subsection 5, paragraph "b".

44 3. An annual report regarding total spending on
45 technology as required under section 8A.204,
46 subsection 3, paragraph "a".

47 4. An annual report of expenditures from the
48 IowaAccess revolving fund as provided in section
49 8A.224.

50 5. A technology audit of the electronic

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1 transmission system as required under section 8A.223.

2 6. An annual report on state purchases of recycled
3 and soybean-based products as required under section
4 8A.315, subsection 1, paragraph "d".

5 7. An annual report on the status of capital
6 projects as required under section 8A.321, subsection
7 11.
8 8. An annual salary report as required under
9 section 8A.341, subsection 2.
10 9. An annual average fuel economy standards
11 compliance report as required under section 8A.362,
12 subsection 4, paragraph "c".
13 10. An annual report of the capitol planning
14 commission as required under section 8A.373.
15 11. A comprehensive annual financial report as
16 required under section 8A.502, subsection 8.
17 11A. An annual report regarding the Iowa targeted
18 small business procurement Act activities of the
19 department as required under section 15.108,
20 subsection 7, paragraph "c", and quarterly reports
21 regarding the total dollar amount of certified
22 purchases for certified targeted small businesses
23 during the previous quarter as required in section
24 73.16, subsection 2. The department shall keep any
25 vendor identification information received from the
26 department of inspections and appeals as provided in
27 section 10A.104, subsection 8, and necessary for the
28 quarterly reports, confidential to the same extent as
29 the department of inspection and appeals is required
30 to keep such information. Confidential information
31 received by the department from the department of
32 inspections and appeals shall not be disclosed except
33 pursuant to court order or with the approval of the
34 department of inspections and appeals.
35 12. An annual report on the condition of
36 affirmative action, diversity, and multicultural
37 programs as provided under section 19B.5, subsection
38 2.
39 13. An unpaid warrants report as required under
40 section 25.2, subsection 3, paragraph "b".
41 14. A report on educational leave as provided
42 under section 70A.25.
43 15. A monthly report regarding the revitalize
44 Iowa's sound economy fund as required under section
45 315.7.
46 Sec.____. Section 8A.202, subsection 2, paragraph
47 e, Code 2007, is amended by striking the paragraph.
48 Sec.____. Section 8A.221, subsection 2, paragraph
49 a, subparagraph (2), Code 2007, is amended to read as
50 follows:

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1 (2) Recommend to the director the priority of
2 projects associated with IowAccess. The
3 recommendation may also include a recommendation

concerning funding for a project proposed by a political subdivision of the state or an association, the membership of which is comprised solely of political subdivisions of the state. Prior to recommending a project proposed by a political subdivision, the advisory council shall verify that all of the following conditions are met:

(a) The proposed project provides a benefit to the state.

(b) The proposed project, once completed, can be shared with and used by other political subdivisions or the state, as appropriate.

(c) The state retains ownership of any final product or is granted a permanent license to the use of the product.

Sec. ____ Section 8A.402, subsection 2, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Develop, in consultation with the department of veterans affairs, programs to inform members of the national guard or organized reserves of the armed forces of the United States returning to Iowa following active federal service about job opportunities in state government.

Sec. ____ Section 10A.104, subsection 8, Code 2007, is amended to read as follows:

8. Establish by rule standards and procedures for certifying that targeted small businesses are eligible to participate in the procurement program established in sections 73.15 through 73.21. The procedure for determination of eligibility shall not include self-certification by a business. The director shall maintain a current directory of targeted small businesses that have been certified pursuant to this subsection. The director shall also provide information to the department of administrative services necessary for the identification of targeted small businesses as provided under section 8A.111, subsection 11A.

Sec. ____ Section 305.10, subsection 1, paragraph h, Code 2007, is amended to read as follows:

h. Prepare all mandated reports, newsletters, and publications for electronic distribution in accordance with government information policies, standards, and guidelines. A reference copy of all mandated reports, newsletters, and publications shall be located at an electronic repository for public access ~~to be developed and maintained by the department of~~

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~~administrative services in consultation with the state librarian and the state archivist.~~

3 Sec. _____. Section 8A.121, Code 2007, is repealed.

4 DIVISION III

5 COMMISSION ON NATIVE AMERICAN AFFAIRS

6 Sec. _____. Section 7E.5, subsection 1, paragraph s,
7 Code 2007, is amended to read as follows:

8 s. The department of human rights, created in
9 section 216A.1, which has primary responsibility for
10 services relating to Latino persons, women, persons
11 with disabilities, community action agencies, criminal
12 and juvenile justice planning, the status of
13 African-Americans, ~~and~~ deaf and hard-of-hearing
14 persons, ~~and Native-Americans~~.

15 Sec. _____. Section 216A.1, Code 2007, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 9. Division on Native American
18 affairs.

19 Sec. _____. NEW SECTION. 216A.161 DEFINITIONS.

20 For purposes of this subchapter, unless the context
21 otherwise requires:

22 1. "Administrator" means the administrator of the
23 division on Native American affairs.

24 2. "Commission" means the commission on Native
25 American affairs.

26 3. "Division" means the division on Native
27 American affairs of the department of human rights.

28 4. "Tribal government" means the governing body of
29 a federally recognized Indian tribe.

30 Sec. _____. NEW SECTION. 216A.162 ESTABLISHMENT --
31 PURPOSE.

32 1. A commission on Native American affairs is
33 established consisting of eleven voting members
34 appointed by the governor, subject to confirmation by
35 the senate. The members of the commission shall
36 appoint one of the members to serve as chairperson of
37 the commission.

38 2. The purpose of the commission shall be to work
39 in concert with tribal governments, Native American
40 groups, and Native American persons in this state to
41 advance the interests of tribal governments and Native
42 American persons in the areas of human rights, access
43 to justice, economic equality, and the elimination of
44 discrimination.

45 3. The members of the commission shall be as
46 follows:

47 a. Seven public members appointed in compliance
48 with sections 69.16 and 69.16A who shall be appointed
49 with consideration given to the geographic residence
50 of the member and the population density of Native

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Americans within the vicinity of the geographic residence of a member. Of the seven public members appointed, at least one shall be a Native American who is an enrolled tribal member living on a tribal settlement or reservation in Iowa and whose tribal government is located in Iowa and one shall be a Native American who is primarily descended from a tribe other than those specified in paragraph "b".

b. Four members selected by and representing tribal governments.

c. All members of the commission shall be residents of Iowa.

Sec. ____ NEW SECTION. 216A.163 TERM OF OFFICE.

Five of the members appointed to the initial commission shall be designated by the governor to serve two-year terms, and six shall be designated by the governor to serve four-year terms. Succeeding appointments shall be for a term of four years.

Vacancies in the membership shall be filled for the remainder of the term of the original appointment.

Sec. ____ NEW SECTION. 216A.164 MEETINGS OF THE COMMISSION.

The commission shall meet at least four times each year, and shall hold special meetings on the call of the chairperson. The commission shall adopt rules pursuant to chapter 17A as it deems necessary for the conduct of its business. The members of the commission shall be reimbursed for actual expenses while engaged in their official duties. A member may also be eligible to receive compensation as provided in section 7E.6.

Sec. ____ NEW SECTION. 216A.165 DUTIES.

The commission shall have all powers necessary to carry out the functions and duties specified in this subchapter and shall do all of the following:

1. Advise the governor and the general assembly on issues confronting tribal governments and Native American persons in this state.

2. Promote legislation beneficial to tribal governments and Native American persons in this state.

3. Recommend to the governor and the general assembly any revisions in the state's affirmative action program and other steps necessary to eliminate discrimination against and the underutilization of Native American persons in the state's workforce.

4. Serve as a conduit to state government for Native American persons in this state.

5. Serve as an advocate for Native American persons and a referral agency to assist Native American persons in securing access to justice and

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state agencies and programs.

6. Serve as a liaison with federal, state, and local governmental units, and private organizations on matters relating to Native American persons in this state.

7. Conduct studies, make recommendations, and implement programs designed to solve the problems of Native American persons in this state in the areas of human rights, housing, education, welfare, employment, health care, access to justice, and any other related problems.

8. Publicize the accomplishments of Native American persons and their contributions to this state.

9. Work with other state, tribal, and federal agencies and organizations to develop small business opportunities and promote economic development for Native American persons.

Sec. ____ NEW SECTION. 216A.166 REVIEW OF GRANT APPLICATIONS AND BUDGET REQUESTS.

Before the submission of an application, a state department or agency shall consult with the commission concerning an application for federal funding that will have its primary effect on tribal governments or Native American persons. The commission shall advise the governor, the director of the department of human rights, and the director of revenue concerning any state agency budget request that will have its primary effect on tribal governments or Native American persons.

Sec. ____ NEW SECTION. 216A.167 ADDITIONAL DUTIES AND AUTHORITY – LIMITATIONS.

1. The commission shall have responsibility for the budget of the commission and the division and shall submit the budget to the director of the department of human rights as provided in section 216A.2, subsection 2.

2. The commission may do any of the following:

a. Enter into contracts, within the limit of funds made available, with individuals, organizations, and institutions for services.

b. Accept gifts, grants, devises, or bequests of real or personal property from the federal government or any other source for the use and purposes of the commission.

3. The commission shall not have the authority to do any of the following:

a. Implement or administer the duties of the state of Iowa under the federal Indian Gaming Regulatory Act, shall not have any authority to recommend,

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negotiate, administer, or enforce any agreement or compact entered into between the state of Iowa and Indian tribes located in the state pursuant to section 10A.104, and shall not have any authority relative to Indian gaming issues.

b. Administer the duties of the state under the federal National Historic Preservation Act, the federal Native American Graves Protection and Repatriation Act, and chapter 263B. The commission shall also not interfere with the advisory role of a separate Indian advisory council or committee established by the state archeologist by rule for the purpose of consultation on matters related to ancient human skeletal remains and associated artifacts.

4. This subchapter shall not diminish or inhibit the right of any tribal government to interact directly with the state or any of its departments or agencies for any purpose which a tribal government desires to conduct its business or affairs as a sovereign governmental entity.

Sec. ____ NEW SECTION. 216A.168 ADMINISTRATOR.

The commission shall designate the duties and obligations of the position of administrator. The administrator shall carry out programs and policies as determined by the commission. The administrator may employ other persons necessary to carry out the programs of the division.

Sec. ____ NEW SECTION. 216A.169 STATE AGENCY ASSISTANCE.

On the request of the commission, state departments and agencies may supply the commission with advisory staff services on matters relating to the jurisdiction of the commission. The commission shall cooperate and coordinate its activities with other state agencies to the highest possible degree.

Sec. ____ NEW SECTION. 216A.170 ANNUAL REPORT.

Not later than February 1 of each year, the commission shall file a report in an electronic format with the governor and the general assembly of its activities for the previous calendar year. With the report, the commission may submit any recommendations pertaining to its activities and shall submit recommendations for legislative consideration and other action it deems necessary.

Sec. ____ COMMISSION ON NATIVE AMERICAN AFFAIRS – TRANSITION PROVISIONS.

1. The initial members of the commission established pursuant to this Act shall be appointed by September 1, 2008.

2. Notwithstanding any provision of this Act to

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1 the contrary, an administrator of the division on
2 Native American affairs and employees of the division
3 shall not be appointed or hired prior to July 1, 2009.

4 3. Prior to June 1, 2009, the commission shall
5 submit a report to the director of human rights. The
6 report shall include a job description for the
7 administrator of the division, goals for division
8 operations, and performance measures to measure
9 achievement of division goals.

10 DIVISION IV

11 DEPARTMENT OF REVENUE ADMINISTRATION

12 Sec. ____ Section 99B.10B, subsection 2, Code
13 Supplement 2007, is amended to read as follows:

14 2. a. The department shall revoke a registration
15 issued pursuant to section 99B.10 or 99B.10A, for a
16 period of ten years if a person commits an offense of
17 awarding a cash prize in violation of section 99B.10,
18 subsection 1, paragraph "b", pursuant to rules adopted
19 by the department. A person whose registration is
20 revoked under this subsection who is a person for
21 which a class "A", class "B", class "C", special class
22 "C", or class "D" liquor control license has been
23 issued pursuant to chapter 123 shall have the person's
24 liquor control license suspended for a period of
25 fourteen days in the same manner as provided in
26 section 123.50, subsection 3, paragraph "a". A person
27 whose registration is revoked under this subsection
28 who is a person for which only a class "B" or class
29 "C" beer permit has been issued pursuant to chapter
30 123 shall have the person's class "B" or class "C"
31 beer permit suspended ~~and that person's sales tax~~
32 ~~permit suspended~~ for a period of fourteen days in the
33 same manner as provided in section 123.50, subsection
34 3, paragraph "a".

35 b. If a person owning or employed by an
36 establishment having a class "A", class "B", class
37 "C", special class "C", or class "D" liquor control
38 license issued pursuant to chapter 123 commits an
39 offense of awarding a cash prize in violation of
40 section 99B.10, subsection 1, paragraph "b", pursuant
41 to rules adopted by the department, the liquor control
42 license of the establishment shall be suspended for a
43 period of fourteen days in the same manner as provided
44 in section 123.50, subsection 3, paragraph "a". If a
45 person owning or employed by an establishment having a
46 class "B" or class "C" beer permit issued pursuant to
47 chapter 123 awards a cash prize in violation of
48 section 99B.10, subsection 1, paragraph "b", pursuant
49 to rules adopted by the department, the beer permit of
50 the establishment ~~and the establishment's sales tax~~

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1 ~~permit~~ shall be suspended for a period of fourteen
2 days in the same manner as provided in section 123.50,
3 subsection 3, paragraph "a".

4 Sec. ____ Section 99B.14, subsection 1, Code 2007,
5 is amended to read as follows:

6 1. The department may deny, suspend, or revoke a
7 license if the department finds that an applicant,
8 licensee, or an agent of the licensee violated or
9 permitted a violation of a provision of this chapter
10 or a departmental rule adopted pursuant to chapter
11 17A, or for any other cause for which the director of
12 the department would be or would have been justified
13 in refusing to issue a license, or upon the conviction
14 of a person of a violation of this chapter or a rule
15 adopted under this chapter which occurred on the
16 licensed premises. However, the denial, suspension,
17 or revocation of one type of gambling license does not
18 require, but may result in, the denial, suspension, or
19 revocation of a different type of gambling license
20 held by the same licensee. In addition, a person
21 whose license is revoked under this section who is a
22 person for which a class "A", class "B", class "C", or
23 class "D" liquor control license has been issued
24 pursuant to chapter 123 shall have the person's liquor
25 control license suspended for a period of fourteen
26 days in the same manner as provided in section 123.50,
27 subsection 3, paragraph "a". In addition, a person
28 whose license is revoked under this section who is a
29 person for which only a class "B" or class "C" beer
30 permit has been issued pursuant to chapter 123 shall
31 have the person's class "B" or class "C" beer permit
32 suspended ~~and that person's sales tax permit suspended~~
33 for a period of fourteen days in the same manner as
34 provided in section 123.50, subsection 3, paragraph
35 "a".

36 Sec. ____ Section 421.17, Code 2007, is amended by
37 adding the following new subsection:

38 NEW SUBSECTION. 30. If a natural disaster is
39 declared by the governor in any area of the state, the
40 director may extend for a period of up to one year the
41 due date for the filing of any tax return and may
42 suspend any associated penalty or interest that would
43 accrue during that period of time for any affected
44 taxpayer whose principal residence or business is
45 located in the covered area if the director determines
46 it necessary for the efficient administration of the
47 tax laws of this state.

48 Sec. ____ Section 421.60, subsection 8, Code 2007,
49 is amended to read as follows:

50 8. REFUND OF UNTIMELY ASSESSED TAXES.

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1 Notwithstanding any other refund statute, if it
2 appears that an amount of tax, penalty, or interest
3 has been paid to the department after the expiration
4 of the statute of limitations for the department to
5 determine and assess or collect the amount of such tax
6 due, then the amount paid shall be credited against
7 another tax liability of the taxpayer which is
8 outstanding, if the statute of limitations for
9 assessment or collection of that other tax has not
10 expired or the amount paid shall be refunded to the
11 person or, with the person's approval, credited to tax
12 to become due. An application for refund or credit
13 under this subsection must be filed within one year of
14 payment. This subsection shall not be construed to
15 prohibit the department from offsetting the refund
16 claim against any tax due, if the statute of
17 limitations for that other tax has not expired.

18 However, any tax, penalty, or interest due for which a
19 notice of assessment was not issued by the department
20 but which was voluntarily paid by a taxpayer after the
21 expiration of the statute of limitations for
22 assessment shall not be refunded.

23 Sec. ____ Section 422.16, subsection 1, paragraph
24 a, Code Supplement 2007, is amended to read as
25 follows:

26 a. Every withholding agent and every employer as
27 defined in this chapter and further defined in the
28 Internal Revenue Code, with respect to income tax
29 collected at source, making payment of wages to a
30 nonresident employee working in Iowa, or to a resident
31 employee, shall deduct and withhold from the wages an
32 amount which will approximate the employee's annual
33 tax liability on a calendar year basis, calculated on
34 the basis of tables to be prepared by the department
35 and schedules or percentage rates, based on the wages,
36 to be prescribed by the department. Every employee or
37 other person shall declare to the employer or
38 withholding agent the number of the employee's or
39 other person's personal ~~exemptions and dependency~~
40 ~~exemptions or credits allowances~~ to be used in
41 applying the tables and schedules or percentage rates.
42 However, no greater number of ~~personal or dependency~~
43 ~~exemptions or credits allowances~~ may be declared by
44 the employee or other person than the number to which
45 the employee or other person is entitled except as
46 allowed under sections 3402(m)(1) and 3402(m)(3) of
47 the Internal Revenue Code and as allowed for the child
48 and dependent care credit provided in section 422.12C.
49 The claiming of ~~exemptions or credits allowances~~ in
50 excess of entitlement is a serious misdemeanor.

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1 Sec.____. Section 423.3, subsection 8, paragraph
2 c, unnumbered paragraph 1, Code Supplement 2007, is
3 amended to read as follows:

4 The replacement part is ~~essential to~~ used in any
5 repair or reconstruction necessary to the farm
6 machinery's or equipment's exempt use in the
7 production of agricultural products.

8 Sec.____. Section 423.3, subsection 11, paragraph
9 c, Code Supplement 2007, is amended to read as
10 follows:

11 c. The replacement part is ~~essential to~~ used in
12 any repair or reconstruction necessary to the farm
13 machinery's or equipment's exempt use in livestock or
14 dairy production, aquaculture production, or the
15 production of flowering, ornamental, or vegetable
16 plants.

17 Sec.____. Section 423.36, subsection 2, Code 2007,
18 is amended to read as follows:

19 2. To collect sales or use tax, the applicant must
20 have a permit for each place of business in the state
21 of Iowa. The department may deny a permit to an
22 applicant who is substantially delinquent in paying a
23 tax due, or the interest or penalty on the tax,
24 administered by the department at the time of
25 application or if the applicant had a previous
26 delinquent liability with the department. If the
27 applicant is a partnership, a permit may be denied if
28 a partner is substantially delinquent in paying any
29 delinquent tax, penalty, or interest or if a partner
30 had a previous delinquent liability with the
31 department. If the applicant is a corporation, a
32 permit may be denied if any officer having a
33 substantial legal or equitable interest in the
34 ownership of the corporation owes any delinquent tax,
35 penalty, or interest or if any officer having a
36 substantial legal or equitable interest in the
37 ownership of the corporation had a previous delinquent
38 liability with the department.

39 Sec.____. Section 423A.5, subsection 1, Code 2007,
40 is amended by adding the following new paragraph:
41 NEW PARAGRAPH. c. The sales price from
42 transactions exempt from state sales tax under section
43 423.3.

44 Sec.____. Section 423A.5, subsection 2, Code 2007,
45 is amended by adding the following new paragraph:
46 NEW PARAGRAPH. c. The sales price from
47 transactions exempt from state sales tax under section
48 423.3.

49 Sec.____. Section 423D.3, Code 2007, is amended to
50 read as follows:

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1 423D.3 EXEMPTION.

2 The sales price on the lease or rental of equipment
3 to contractors for direct and primary use in
4 construction is exempt from the tax imposed by this
5 chapter. The sales price from transactions exempt
6 from state sales tax under section 423.3 is also
7 exempt from the tax imposed by this chapter.

8 Sec. ____ Section 427.1, subsection 7, Code
9 Supplement 2007, is amended to read as follows:

10 7. LIBRARIES AND ART GALLERIES. All grounds and
11 buildings used for public libraries, public art
12 galleries, and libraries and art galleries owned and
13 kept by private individuals, associations, or
14 corporations, for public use and not for private
15 profit. Claims for exemption for libraries and art
16 galleries owned and kept by private individuals,
17 associations, or corporations for public use and not
18 for private profit must be filed with the local
19 assessor by February 1 of the first year the exemption
20 is requested. Once the exemption is granted, the
21 exemption shall continue to be granted for subsequent
22 assessment years without further filing of claims as
23 long as the property continues to be used as a library
24 or art gallery for public use and not for private
25 profit.

26 Sec. ____ Section 452A.2, subsection 35, Code
27 2007, is amended to read as follows:

28 35. "Supplier" means a person who acquires motor
29 fuel or special fuel by pipeline or marine vessel from
30 a state, territory, or possession of the United
31 States, or from a foreign country for storage at and
32 distribution from a terminal and who is registered
33 under 26 U.S.C. §4101 for tax-free transactions in
34 gasoline, a person who produces in this state or
35 acquires by truck, railcar, or barge for storage at
36 and distribution from a terminal, biofuel, biodiesel,
37 alcohol, or alcohol derivative substances, or a person
38 who produces, manufactures, or refines motor fuel or
39 special fuel in this state. "Supplier" includes a
40 person who does not meet the jurisdictional connection
41 to this state but voluntarily agrees to act as a
42 supplier for purposes of collecting and reporting the
43 motor fuel or special fuel tax. "Supplier" does not
44 include a retail dealer or wholesaler who merely
45 blends alcohol with gasoline or biofuel with diesel
46 before the sale or distribution of the product or a
47 terminal operator who merely handles, in a terminal,
48 motor fuel or special fuel consigned to the terminal
49 operator.

50 Sec. ____ Section 452A.33, subsection 2,

Page 15

1 unnumbered paragraph 1, Code 2007, is amended to read
2 as follows:

3 On or before ~~February~~ April 1 the department shall
4 deliver a report to the governor and the legislative
5 services agency. The report shall compile information
6 reported by retail dealers to the department as
7 provided in this section and shall at least include
8 all of the following:

9 Sec.____. Section 452A.59, Code 2007, is amended
10 to read as follows:

11 452A.59 ADMINISTRATIVE RULES.

12 The department of revenue and the state department
13 of transportation are authorized and empowered to
14 adopt rules under chapter 17A, relating to the
15 administration and enforcement of this chapter as
16 deemed necessary by the departments. However, when in
17 the opinion of the director it is necessary for the
18 efficient administration of this chapter, the director
19 may regard persons in possession of motor fuel,
20 special fuel, biofuel, alcohol, or alcohol derivative
21 substances as blenders, dealers, eligible purchasers,
22 exporters, importers, restrictive suppliers,
23 suppliers, terminal operators, or nonterminal storage
24 facility operators.

25 Sec.____. Section 453A.46, subsection 7, Code
26 Supplement 2007, is amended to read as follows:

27 7. The director may require by rule that ~~reports~~
28 returns be filed by electronic transmission.

29 Sec.____. Section 422.24A, Code 2007, is repealed.

30 Sec.____. RETROACTIVE APPLICABILITY DATE. The
31 section of this division of this Act repealing section
32 422.24A applies retroactively to January 1, 2008, for
33 tax years beginning on or after that date.

34 DIVISION V

35 DEPUTY SHERIFF POSITIONS

36 Sec.____. Section 341A.7, Code 2007, is amended to
37 read as follows:

38 341A.7 CLASSIFICATIONS.

39 1. The classified civil service positions covered
40 by this chapter include persons actually serving as
41 deputy sheriffs who are salaried pursuant to section
42 331.904, subsection 2, but do not include a chief
43 deputy sheriff, two second deputy sheriffs in counties
44 with a population of more than one hundred thousand,
45 three second deputy sheriffs in counties with a
46 population of more than one hundred fifty thousand,
47 and four second deputy sheriffs in counties with a
48 population of more than two hundred thousand.
49 However, a chief deputy sheriff or second deputy
50 sheriff who becomes a candidate for a partisan

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1 elective office for remuneration is subject to section
2 341A.18. A deputy sheriff serving with permanent rank
3 under this chapter may be designated chief deputy
4 sheriff or second deputy sheriff and retain that rank
5 during the period of service as chief deputy sheriff
6 or second deputy sheriff and shall, upon termination
7 of the duties as chief deputy sheriff or second deputy
8 sheriff, revert to the permanent rank.

9 2. If the positions of two second deputy sheriffs
10 of a county were exempt from classified civil service
11 coverage under this chapter based on the 1980
12 decennial census, the two second deputy positions
13 shall remain exempt from classified civil service
14 coverage under this chapter.
15 Sec.____. IMPLEMENTATION OF ACT. Section 25B.2,
16 subsection 3, shall not apply to this division of this
17 Act.

18 DIVISION VI

19 MISCELLANEOUS PROVISIONS

20 Sec.____. Section 8.64, subsection 2, Code
21 Supplement 2007, is amended to read as follows:
22 2. "Community-wide area" means a distinct
23 geographical area voluntarily formed by and comprised
24 of counties, cities, or townships, or any combination
25 thereof, all of which possess a degree of autonomy in
26 a varying number of matters. State agencies,
27 community colleges, and school districts may also
28 participate in a community-wide area if joined by a
29 county, city, or township.

30 Sec.____. Section 331.907, subsection 3, Code
31 2007, is amended to read as follows:
32 3. The elected county officers are also entitled
33 to receive their actual and necessary expenses
34 incurred in performance of official duties of their
35 respective offices. The board of supervisors may
36 authorize the reimbursement of expenses related to an
37 educational course, seminar, or school which is
38 attended by a county officer after the county officer
39 is elected, but prior to the county officer taking
40 office.

41 Sec.____. NEW SECTION. 504.132 SECRETARY OF
42 STATE – INTERNET SITE.

43 The secretary of state shall place on the secretary
44 of state's internet site a link to a free internet
45 site with completed internal revenue service forms 990
46 and 990EZ."

47 8. Title page, line 4, by inserting after the
48 word "effective" the following: "and retroactive
49 applicability".

50 9. By renumbering as necessary.

Hunter of Polk moved that the House concur in the Senate amendment [H-8650](#).

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

Hunter of Polk 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. 2400](#))

The ayes were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wiencek	Windschitl
Worthan			

Absent or not voting, 2:

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

Unfinished Business Calendar

[Senate File 2132](#), a bill for an act relating to notices regarding the disposition of seized property and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Baudler of Adair offered amendment [H-8325](#) filed by the committee on public safety as follows:

[H-8325](#)

- 1 Amend [Senate File 2132](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 28, by inserting after the word
- 4 "firearms" the following: "~~and ammunition, if not~~
- 5 ~~forfeited pursuant to chapter 809A, shall be disposed~~
- 6 ~~of by the department of public safety or the~~
- 7 ~~department of natural resources pursuant to section~~
- 8 ~~809.21."~~
- 9 2. By striking page 2, line 33, through page 3,
- 10 line 1, and inserting the following:
- 11 " (3) Notwithstanding subparagraph (2), firearms or
- 12 ammunition with a value equal to or less than five
- 13 hundred dollars shall be deposited with the department
- 14 of public safety. The firearms or ammunition may be
- 15 held by the department of public safety and be used
- 16 for law enforcement, testing, or comparisons by the
- 17 criminalistics laboratory, or may be destroyed or
- 18 disposed of by the department of public safety in
- 19 accordance with section 809.21."

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-8332](#), to the committee amendment [H-8325](#), filed by him on March 26, 2008.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-8351](#), to the committee amendment [H-8325](#), filed by him on March 31, 2008.

R. Olson of Polk offered the following amendment [H-8467](#), to the committee amendment [H-8325](#), filed by him and moved its adoption:

[H-8467](#)

1 Amend the amendment, [H-8325](#), to [Senate File 2132](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 " _____. Page 1, by striking lines 3 through 7 and
7 inserting the following:

8 1. Seized property ~~which is no longer required as~~
9 ~~evidence or for use in an investigation~~ shall be
10 returned to the owner, ~~provided that the person's~~
11 ~~possession of the property is not prohibited by law~~
12 ~~and there is no forfeiture claim filed on behalf of~~
13 ~~the state if the property is no longer required as~~
14 evidence or the property has been photographed and the
15 photograph will be used as evidence in lieu of the
16 property, if the property is no longer required for
17 use in an investigation, if the owner's possession is
18 not prohibited by law, and if a forfeiture claim has
19 not been filed on behalf of the state."

20 _____. Page 1, line 8, by inserting before the word
21 "value" the following: "aggregate fair market".

22 _____. Page 1, line 21, by inserting before the
23 word "value" the following: "aggregate fair market".

24 _____. Page 2, line 22, by inserting before the
25 word "value" the following: "aggregate fair market".

26 2. Page 1, by inserting after line 8 the
27 following:

28 " _____. Page 2, line 29, by inserting before the
29 word "value" the following: "aggregate fair market".

30 3. Page 1, line 12, by striking the words "with
31 a" and inserting the following: "with an aggregate
32 fair market".

Amendment [H-8467](#) was adopted.

On motion by Hunter of Polk, the committee amendment [H-8325](#), as amended, was adopted.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment [H-8406](#) filed by Kaufmann of Cedar et al., on April 3, 2008.

Hunter of Polk 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. 2132](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Forristall Roberts

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2132** and **2400**.

HOUSE REFUSED TO CONCUR

Whitaker of Van Buren called up for consideration [House File 2177](#), a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8627](#):

[H-8627](#)

- 1 Amend [House File 2177](#), as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word "The" and
- 4 inserting the following: "~~The~~ An antlerless deer
- 5 only".
- 6 2. Page 1, line 4, by striking the word "a" and
- 7 inserting the following: "~~a~~ an antlerless".
- 8 3. Page 1, line 5, by inserting after the word
- 9 "dated." the following: "An antlered or any sex deer
- 10 hunting license shall be accompanied by two tags
- 11 designed to be used only once."
- 12 4. Page 1, line 6, by striking the words "~~the~~
- 13 tag" and inserting the following: "one of the tags".
- 14 5. Page 1, line 6, by inserting after the word
- 15 "~~antlers~~" the following: "and one of the tags shall
- 16 be affixed to the deer as provided by the commission
- 17 by rule".
- 18 6. Title page, line 2, by striking the word
- 19 "antlered".

The motion lost and the House refused to concur in the Senate amendment [H-8627](#).

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2177](#) be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House File 2381](#).

[House File 2381](#), a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators, was taken up for consideration.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-8105](#) filed by him and Tomenga of Polk on March 13, 2008.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-8543](#) filed by him on April 16, 2008.

[SENATE FILE 2203](#) SUBSTITUTED FOR [HOUSE FILE 2381](#)

Lykam of Scott asked and received unanimous consent to substitute [Senate File 2203](#) for [House File 2381](#).

[Senate File 2203](#), a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators, was taken up for consideration.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-8106](#) filed by him and Tomenga of Polk on March 13, 2008.

Kelley of Black Hawk asked and received unanimous consent to withdraw amendment [H-8536](#) filed by her on April 15, 2008.

R. Olson of Polk offered the following amendment [H-8540](#) filed by him and moved its adoption:

[H-8540](#)

1 Amend [Senate File 2203](#), as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 1 through 9 and
4 inserting the following:

5 "Sec. ____ Section 717D.1, subsection 8, Code
6 2007, is amended to read as follows:

7 8. "Spectator" means a person who attends an
8 establishment ~~for purposes of witnessing~~ knowingly to
9 watch or observe a contest event.

10 Sec. ____ Section 717D.2, subsection 9, Code 2007,
11 is amended to read as follows:

12 9. Gambling at a contest event conducted in this
13 state, including but not limited to wagering on the
14 outcome of a contest involving animals.

15 10. Act as a spectator of a contest event
16 conducted in this state, regardless of whether the
17 person paid admission to witness the contest event.

18 Sec. ____ Section 717D.4, Code 2007, is amended to
19 read as follows:

20 717D.4 PENALTIES.

21 1. Except as provided in ~~subsection 2~~ section
22 717D.2, subsection 10, a person who violates a
23 provision of this chapter ~~is guilty of~~ commits a class
24 "D" felony.

25 2. A person who violates section 717D.2,
26 subsection 10, by acting as a spectator of a contest
27 event conducted in this state ~~is guilty of an~~ commits
28 the following:

29 a. An aggravated misdemeanor for the first
30 offense.

31 b. A class "D" felony for a second or subsequent
32 offense.

33 2. By renumbering as necessary.

Amendment [H-8540](#) was adopted.

Lykam of Scott 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. 2203](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevort	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek

Winckler
Zirkelbach

Windschitl
Mr. Speaker
Murphy

Wise

Worthan

The nays were, none.

Absent or not voting and 2:

Forristall

Roberts

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

HOUSE FILE 2381 WITHDRAWN

Lykam of Scott asked and received unanimous consent to withdraw House File 2381 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 24, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2413, a bill for an act relating to requests and applications submitted by school districts to the school budget review committee concerning school district finances.

Also: That the Senate has on April 24, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2415, a bill for an act allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy.

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 12:29 p.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened at 3:15 p.m., Speaker Murphy 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 April 24, 2008, passed the following bill in which the concurrence of the Senate was asked:

[House File 2367](#), a bill for an act relating to the tally of absentee votes by precinct at certain elections.

Also: That the Senate has on April 24, 2008, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2689](#), a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing for tax credits, providing for the reporting of biofuels, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, and providing an effective dates and applicability; including retroactive applicability.

Also: That the Senate has on April 24, 2008, refused to concur in the House amendment and pass the following bill in which the concurrence of the House is asked:

[Senate File 2216](#), a bill for an act concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system.

MICHAEL E. MARSHALL, Secretary

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Murphy invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Eighty-second General Assembly were presented to the following Pages by Speaker Murphy, Majority Leader McCarthy and Minority Leader Rants.

Sabrina Ahmed
Ryan Alfred
Bonnie Brown
Michael Du'pre

Laura Schneider
Christina Schueth
Matthew Sexton
Gloria Steinke

Jordan Durham
Allie Ford
Jana Guy
Megan Lacey
Nicole Martin
Reggie Netz
Kaytlin Peine

Tyler Strable
Jonathan Sukup
Sara Thoma
Bryce Williams
Mickey Belding
Caitlin Forrester

SENATE AMENDMENT CONSIDERED

Winckler of Scott called up for consideration [House File 2679](#), 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 education, and the state board of regents, providing for related matters and including effective date provisions, amended by the following Senate amendment [H-8652](#):

[H-8652](#)

1 Amend [House File 2679](#), as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking line 29 and inserting the
4 following:
5 " \$ 4,000,00"
6 2. Page 3, by inserting after line 32 the
7 following:
8 " _____. WASHINGTON, D.C., INTERNSHIP GRANT
9 For a grant to a national nonprofit organization
10 with over 30 years experience of assisting college
11 students to serve internships in Washington, D.C.,
12 helping place during the 2006-2007 academic year over
13 1,400 students from across the world in internships,
14 including over 40 students from Iowa colleges and
15 universities, in order to provide students enrolled in
16 Iowa accredited higher education institutions, as
17 defined in section 261.92, subsection 1, and is
18 participating in a one-semester internship opportunity
19 in Washington, D.C., with financial aid to offset
20 costs related to the internship:
21 \$ 100,000
22 Up to 50 percent of the funds shall be dedicated to
23 students participating in the two-to-one federal and
24 state matching agricultural biofuels from biomass
25 internship pilot program if the program is contained
26 in federal legislation enacted and funded by Congress
27 during the 2008-2009 fiscal year."

28 3. Page 4, line 3, by striking the figure
29 "698,923" and inserting the following: "995,000".

30 4. Page 4, line 4, by striking the figure
31 "338,958" and inserting the following: "484,972".

32 5. Page 7, by inserting after line 13 the
33 following:

34 "____. For a grant to a center for independent
35 living established in accordance with the federal
36 Rehabilitation Act of 1973, that is designed and
37 operated within a local community by individuals with
38 disabilities and provides an array of independent
39 living services, and which adheres to the state plan
40 for independent living required in order to receive
41 federal Part B dollars for independent living services
42 for Iowans with disabilities:

43 \$ 250,000

44 By October 1, 2009, the grant recipient shall
45 submit a written report to the division and the state
46 board of education regarding the expenditure of moneys
47 received from the state under this lettered
48 paragraph."

49 6. Page 12, by inserting after line 9 the
50 following:

Page 2

1 "g. Grant amount award reductions for the
2 2008-2009 fiscal year resulting from the Iowa
3 empowerment board's restriction on carryforward of
4 grant funding may be applied to categorical funding
5 requirements at the discretion of each community
6 empowerment area, regardless of the categorical
7 sources of the area's fiscal year 2006-2007 ending
8 balance.

9 h. The Iowa empowerment board shall develop and
10 implement a plan to strengthen the fiscal
11 accountability of local areas. The plan shall not
12 include hiring additional staff. The plan shall
13 address fiscal accountability for community
14 empowerment area boards, including but not limited to
15 training for board members and coordinators, and shall
16 address contractual arrangements with and fiscal
17 oversight of program providers. The plan shall
18 provide for assistance to the community empowerment
19 office and the community empowerment assistance team
20 to improve state fiscal oversight of local boards and
21 ongoing training for community empowerment area boards
22 and coordinators. The Iowa empowerment board and the
23 community empowerment office shall submit a report to
24 the general assembly and the legislative services
25 agency by January 1, 2009."

26 7. Page 13, by inserting before line 24 the

27 following:

28 "____. IOWA SENIOR YEAR PLUS PROGRAM

29 For purposes of implementing the senior year plus
30 program established pursuant to section 261E.1, if
31 enacted by this Act:

32 \$ 1,900,000"

33 8. By striking page 13, line 27, through page 14,
34 line 10, and inserting the following:

35 "..... \$183,062,414

36 Notwithstanding the allocation formula in section
37 260C.18C, the funds appropriated in this subsection
38 shall be allocated as follows:

39 a. Merged Area I \$ 9,074,424

40 b. Merged Area II \$ 9,840,581

41 c. Merged Area III \$ 9,045,521

42 d. Merged Area IV \$ 4,449,263

43 e. Merged Area V \$ 9,992,314

44 f. Merged Area VI \$ 8,656,370

45 g. Merged Area VII \$ 12,826,359

46 h. Merged Area IX \$15,963,828

47 i. Merged Area X \$ 27,662,970

48 j. Merged Area XI 27,602,009

49 k. Merged Area XII \$10,522,547

50 l. Merged Area XIII \$ 10,685,790

Page 3

1 m. Merged Area XIV \$ 4,505,37

2 n. Merged Area XV \$ 14,147,60

3 o. Merged Area XVI \$ 8,087,45"

4 9. Page 14, by striking line 18 and inserting the
5 following:

6 "..... 1,500,000"

7 10. Page 14, by striking lines 26 through 33.

8 11. Page 16, by striking lines 18 through 23.

9 12. Page 17, by inserting after line 21 the

10 following:

11 "f. For funds to be distributed to Iowa public
12 radio for public radio operations:

13 \$ 500,000"

14 13. Page 22, by inserting after line 7 the

15 following:

16 "c. Science, technology, engineering, and
17 mathematics (STEM) collaborative initiative

18 For purposes of establishing a science, technology,
19 engineering, and mathematics (STEM) collaborative
20 initiative:

21 \$ 4,000,000

22 14. Page 22, by striking line 12 and inserting
23 the following:

24 "..... \$10,077,191"

25 15. Page 22, by striking line 18 and inserting

26 the following:

27 "..... \$ 5,674,351"

28 16. Page 22, line 28, by striking the word
29 "UNIVERSITY" and inserting the following:
30 "MATHEMATICS AND SCIENCE COLLABORATIVE".

31 17. Page 22, line 29, by striking the words "AND
32 COLLEGES".

33 18. Page 22, lines 30 and 31, by striking the
34 words "require the universities it governs" and
35 inserting the following: "conduct a mathematics and
36 science collaborative study. The purpose of the study
37 shall be".

38 19. Page 22, line 32, by inserting before the
39 word "proportion" the following: "number and".

40 20. Page 22, lines 33 and 34, by striking the
41 words "and colleges".

42 21. Page 22, line 35, by inserting after the word
43 "way." the following: "The study shall develop and
44 submit to the board recommendations for science,
45 technology, engineering, and technology-related
46 programming measures for improving the number and
47 proportion of women and minorities in science,
48 technology, engineering, and mathematics university
49 programs."

50 22. Page 23, line 5, by inserting after the word

Page 4

1 "the" the following: "number and".

2 23. Page 24, by striking lines 10 through 23.

3 24. Page 25, by inserting after line 28 the
4 following:

5 "Sec.____. Section 28.8, Code 2007, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 7. It is the intent of the
8 general assembly that community empowerment areas
9 consider whether support services to prevent the
10 spread of infectious diseases, prevent child injuries,
11 develop health emergency protocols, help with
12 medication, and care for children with special health
13 needs are being provided to child care facilities
14 registered or licensed under chapter 237A."

15 25. By striking page 26, line 20, through page
16 27, line 23.

17 26. By striking page 30, line 33, through page
18 31, line 14.

19 27. Page 37, by striking lines 10 through 16.

20 28. Page 40, by striking lines 10 and 11.

21 29. Page 40, line 14, by striking the word
22 "DATES." and inserting the following: "DATE. The".

23 30. Page 40, line 15, by striking the figure and
24 words "1. The section" and inserting the following:

25 "section".

26 31. Page 40, by striking lines 19 through 21.

27 32. Page 48, line 1, by striking the word "of"

28 and inserting the following: "established by".

29 33. Page 49, line 2, by inserting after the word

30 "collaborate" the following: ", as appropriate,".

31 34. Page 49, line 4, by striking the words

32 "teacher or instructor" and inserting the following:

33 "district, in collaboration with the teacher or

34 instructor,".

35 35. Page 50, line 10, by striking the word "and,"

36 and inserting the following: "or".

37 36. Page 50, line 31, by striking the words "an

38 annual" and inserting the following: "a regular".

39 37. Page 52, lines 13 and 14, by striking the

40 words "hold a master's degree from an accredited

41 college or university,".

42 38. Page 52, line 16, by striking the figure

43 "272," and inserting the following: "272".

44 39. Page 52, by inserting after line 24 the

45 following:

46 "Sec. ____ NEW SECTION. 261E.4A ADVANCED

47 PLACEMENT COURSES – ACCESS – EXAMINATION FEE

48 PAYMENT.

49 1. A student enrolled in a school district or

50 accredited nonpublic school shall be provided access

Page 5

1 to advanced placement examinations at a rate of

2 one-half of the cost of the regular examination fee

3 the student or the student's parents or guardians

4 would normally pay for the examination.

5 2. The board of directors of a school district and

6 the authorities in charge of an accredited nonpublic

7 school shall ensure that any student enrolled who is

8 interested in taking an advanced placement examination

9 is properly registered for the examination. An

10 accredited nonpublic school shall provide a list of

11 students registered for advanced placement

12 examinations to the school district in which the

13 accredited nonpublic school is located. The school

14 district and the accredited nonpublic school shall

15 also ensure that any student enrolled in the school

16 district or school, as applicable, who is interested

17 in taking an advanced placement examination and

18 qualifies for a reduced fee for the examination is

19 properly registered for the fee reduction. The school

20 district shall provide the college board with a list

21 of all students enrolled in the school district and

22 the accredited nonpublic schools located in the school

23 district who are properly registered for advanced

24 placement examinations administered by the college
25 board.
26 3. From the funds allocated pursuant to section
27 261E.12, subsection 1, paragraph "d", the department
28 shall remit amounts to the college board for advanced
29 placement examinations administered by the college
30 board for students enrolled in school districts and
31 accredited nonpublic schools pursuant to subsection 2
32 and shall distribute an amount per student to a school
33 district submitting a list of students properly
34 registered for the advanced placement examinations
35 pursuant to subsection 2. The remittance rates to the
36 college board and distribution amounts to the school
37 districts in accordance with this subsection for the
38 fiscal year beginning July 1, 2008, are as follows:
39 thirty-eight dollars for each school district or
40 accredited nonpublic school student who does not
41 qualify for fee reduction; twenty-seven dollars for
42 each school district or accredited nonpublic school
43 student who qualifies for fee reduction; and eight
44 dollars to the school district for each school
45 district or accredited nonpublic school student who
46 was listed by the school district and who takes an
47 advanced placement examination in accordance with this
48 section."
49 40. Page 58, by inserting after line 26 the
50 following:

Page 6

1 "d. Degree, certifications, and other
2 qualifications to meet the minimum hiring standards.
3 e. Salary information including regular contracted
4 salary and total salary.
5 f. Credit hours and laboratory contact hours and
6 other data on instructional time.
7 g. Other information comparable to the data
8 regarding teachers collected in the basic education
9 data survey."
10 41. Page 61, by inserting after line 10 the
11 following:
12 "d. For the fiscal year beginning July 1, 2008,
13 and succeeding fiscal years, an amount up to five
14 hundred thousand dollars to the department to provide
15 advanced placement course examination fee remittance
16 pursuant to section 261E.4A. If the funds
17 appropriated for purposes of section 261E.5 are
18 insufficient to distribute the amounts set out in
19 section 261E.5, subsection 3, to school districts, the
20 department shall prorate the amount distributed to
21 school districts based on the amount appropriated."
22 42. Page 62, by inserting after line 19 the

23 following:

24 "DIVISION III

25 STATEWIDE PRESCHOOL PROGRAM

26 Sec. ____ Section 256C.3, subsection 1, Code

27 Supplement 2007, is amended to read as follows:

28 1. ELIGIBLE CHILDREN. A child who is a resident
29 of Iowa and is four years of age ~~by~~ on or before
30 September 15 of a school year shall be eligible to
31 enroll in the preschool program under this chapter.
32 If space and funding are available, a school district
33 approved to participate in the preschool program may
34 enroll a younger or older child in the preschool
35 program; however, the child shall not be counted for
36 state funding purposes.

37 Sec. ____ Section 256C.4, subsection 1, Code
38 Supplement 2007, is amended by adding the following
39 new paragraph:

40 NEW PARAGRAPH. f. The receipt of funding by a
41 school district for the purposes of this chapter, the
42 need for additional funding for the purposes of this
43 chapter, or the enrollment count of eligible students
44 under this chapter, shall not be considered to be
45 unusual circumstances, create an unusual need for
46 additional funds, or qualify under any other
47 circumstances that may be used by the school budget
48 review committee to grant supplemental aid to or
49 establish modified allowable growth for a school
50 district under section 257.31.

Page 7

1 Sec. ____ Section 256C.5, subsection 2, paragraph
2 b, Code Supplement 2007, is amended to read as
3 follows:

4 b. For budget years subsequent to the initial
5 school year for which a school district approved to
6 participate in the preschool program receives that
7 initial approval and implements the preschool program,
8 the funding for the preschool foundation aid payable
9 to that school district shall be paid from the
10 appropriation made in section 257.16. Continuation of
11 a school district's participation in the preschool
12 program for a second or subsequent budget year is
13 subject to the approval of the department based upon
14 the school district's compliance with accountability
15 provisions and the department's on-site review of the
16 school district's implementation of the preschool
17 program.

18 Sec. ____ Section 256C.6, subsection 1, Code
19 Supplement 2007, is amended to read as follows:

20 1. PHASE-IN. For the initial fiscal year in which
21 a school district participates in the preschool

22 program pursuant to an appropriation provided in
23 subsection 2, the department shall apply a modified
24 set of the requirements of the provisions of this
25 chapter relating to preschool program implementation,
26 preschool enrollment reporting, and distribution of
27 funding as necessary to begin the distribution in that
28 fiscal year and additional program implementation in
29 the next fiscal year. ~~For each month after September~~
30 ~~1, in the initial fiscal year that a school district~~
31 ~~approved to participate in the preschool program~~
32 ~~begins programming, the department shall reduce the~~
33 ~~preschool foundation aid payable to the school~~
34 ~~district by one-tenth of the amount that would~~
35 ~~otherwise have been payable to the school district for~~
36 ~~the full school year.~~

37 Sec.____. Section 256C.6, subsection 2, Code
38 Supplement 2007, is amended by adding the following
39 new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
41 8.33, moneys appropriated in this subsection that
42 remain unencumbered or unobligated at the close of the
43 fiscal year shall not revert but shall remain
44 available for expenditure for the purposes designated
45 until the close of the succeeding fiscal year.

46 Sec.____. 2007 Iowa Acts, chapter 214, section 6,
47 subsection 13, is amended by adding the following new
48 unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
50 8.33, moneys appropriated in this subsection that

Page 8

1 remain unencumbered or unobligated at the close of the
2 fiscal year shall not revert but shall remain
3 available for expenditure for the purposes designated
4 until the close of the succeeding fiscal year.

5 Sec.____. STATEWIDE EARLY CHILDHOOD PROFESSIONAL
6 DEVELOPMENT SYSTEM. It is the intent of the general
7 assembly that if funding is designated or is otherwise
8 made available for purposes of implementing a
9 statewide early childhood professional development
10 system during the fiscal year beginning July 1, 2007,
11 or the succeeding fiscal year, that the system shall
12 be implemented by the department of education through
13 the area education agencies and shall be designed to
14 support the statewide preschool program for
15 four-year-old children offered in accordance with
16 chapter 256C. The department of education shall
17 collaborate with early childhood Iowa and its public
18 and private member agencies to ensure that the system
19 complements existing programs and resources committed
20 by the agencies to professional development. To the

21 extent possible, the system shall support
22 professionals engaged in other early childhood
23 programs.

24 Sec.____. EFFECTIVE DATE. This division of this
25 Act, being deemed of immediate importance, takes
26 effect upon enactment.

27 DIVISION IV

28 STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

29 Sec.____. Section 282.10, subsection 4, Code 2007,
30 is amended to read as follows:

31 4. A whole grade sharing agreement shall be signed
32 by the boards of the districts involved in the
33 agreement not later than February 1 of the school year
34 preceding the school year for which the agreement is
35 to take effect. The boards of the districts shall
36 negotiate as part of the new or existing agreement the
37 disposition of teacher quality funding provided under
38 chapter 284.

39 Sec.____. Section 284.2, subsection 11, Code
40 Supplement 2007, is amended to read as follows:

41 11. "Teacher" means an individual who holds a
42 practitioner's license issued under chapter 272, or a
43 statement of professional recognition issued under
44 chapter 272 who is employed in a nonadministrative
45 position by a school district or area education agency
46 pursuant to a contract issued by a board of directors
47 under section 279.13. A teacher may be employed in
48 both an administrative and a nonadministrative
49 position by a board of directors and shall be
50 considered a part-time teacher for the portion of time

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1 that the teacher is employed in a nonadministrative
2 position. ~~"Teacher" includes a licensed individual~~
3 ~~employed on a less than full-time basis by a school~~
4 ~~district through a contract between the school~~
5 ~~district and an institution of higher education with a~~
6 ~~practitioner preparation program in which the licensed~~
7 ~~teacher is enrolled.~~

8 Sec.____. Section 284.7, subsection 1, paragraph
9 a, subparagraph (2), Code Supplement 2007, is amended
10 to read as follows:

11 (2) Beginning July 1, ~~2007~~ 2008, the minimum
12 salary for a beginning teacher shall be ~~twenty-six~~
13 twenty-eight thousand ~~five hundred~~ dollars.

14 Sec.____. Section 284.7, subsection 1, paragraph
15 b, subparagraph (2), Code Supplement 2007, is amended
16 to read as follows:

17 (2) Beginning July 1, ~~2007~~ 2008, the minimum
18 salary for a first-year career teacher shall be
19 ~~twenty-seven~~ thirty thousand ~~five hundred~~ dollars and

20 ~~the minimum salary for all other career teachers shall~~
21 ~~be twenty eight thousand five hundred dollars.~~

22 Sec. ____ Section 284.7, subsection 5, paragraph
23 b, Code Supplement 2007, is amended to read as
24 follows:

25 b. If, once the minimum salary requirements of
26 this section have been met by the school district or
27 area education agency, and the school district or area
28 education agency receiving funds pursuant to section
29 284.13, subsection 1, paragraph "h" or "i", for
30 purposes of this section, and the certified bargaining
31 representative for the licensed employees have not
32 reached an agreement for distribution of the funds
33 remaining, in accordance with paragraph "a", the board
34 of directors shall divide the funds remaining among
35 full-time teachers employed by the district or area
36 education agency whose regular compensation is equal
37 to or greater than the minimum salary specified in
38 this section. The payment amount for teachers
39 employed on less than a full-time basis shall be
40 prorated. For purposes of this paragraph, regular
41 compensation means base salary plus any salary
42 provided under chapter 294A.

43 Sec. ____ Section 284.7, subsection 5, Code
44 Supplement 2007, is amended by adding the following
45 new paragraph:

46 NEW PARAGRAPH. e. A school district or area
47 education agency receiving funds pursuant to section
48 284.13, subsection 1, paragraph "h" or "i", shall
49 determine the amount to be paid to teachers in
50 accordance with this subsection and the amount

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1 determined to be paid to an individual teacher shall
2 be divided evenly and paid in each pay period of the
3 fiscal year beginning with the October payroll.

4 Sec. ____ Section 284.8, subsection 1, Code
5 Supplement 2007, is amended to read as follows:

6 1. A school district shall review a teacher's
7 performance at least once every three years for
8 purposes of assisting teachers in making continuous
9 improvement, documenting continued competence in the
10 Iowa teaching standards, identifying teachers in need
11 of improvement, or to determine whether the teacher's
12 practice meets school district expectations for career
13 advancement in accordance with section 284.7. The
14 review shall include, at minimum, classroom
15 observation of the teacher, the teacher's progress,
16 and implementation of the teacher's individual
17 professional development plan, subject to the level of
18 funding resources provided to implement the plan; and

19 shall include supporting documentation from parents,
20 students, and other ~~evaluators, teachers, parents, and~~
21 ~~students.~~

22 Sec. ____ Section 284.13, subsection 1, paragraph
23 a, Code Supplement 2007, is amended to read as
24 follows:

25 a. For ~~each the~~ fiscal year ~~of the fiscal period~~
26 beginning July 1, ~~2007~~ 2008, and ending June 30, 2009,
27 to the department of education, the amount of one
28 million ~~eighty-seven~~ seven hundred seven thousand five
29 hundred dollars for the issuance of national board
30 certification awards in accordance with section
31 256.44.

32 ~~(1)~~ Of the amount allocated under this paragraph
33 "a", not less than eighty-five thousand dollars shall
34 be used to administer the ambassador to education
35 position in accordance with section 256.45.

36 ~~(2) Of the amount allocated under this paragraph~~
37 ~~"a", for the fiscal year beginning July 1, 2007, and~~
38 ~~ending June 30, 2008, not less than one million~~
39 ~~dollars shall be used to supplement the allocation of~~
40 ~~funds for market factor teacher incentives made~~
41 ~~pursuant to paragraph "f", subparagraph (1).~~

42 Sec. ____ Section 284.13, subsection 1, paragraphs
43 d and e, Code Supplement 2007, are amended to read as
44 follows:

45 d. (1) For the fiscal year beginning July 1, ~~2007~~
46 2008, and ending June 30, ~~2008~~ 2009, up to ~~twenty~~
47 twenty-eight million five hundred thousand dollars to
48 the department for use by school districts for
49 professional development as provided in section 284.6.
50 Of the amount allocated under this paragraph, up to

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1 eight million five hundred thousand dollars shall be
2 provided to school districts for professional
3 development related to the infusion and implementation
4 of the model core curriculum prescribed in section
5 256.7, subsection 26. The department shall distribute
6 funds allocated for the purpose of this paragraph
7 based on the average per diem contract salary for each
8 district as reported to the department for the school
9 year beginning July 1, ~~2006~~ 2007, multiplied by the
10 total number of full-time equivalent teachers in the
11 base year. The department shall adjust each
12 district's average per diem salary by the allowable
13 growth rate established under section 257.8 for the
14 fiscal year beginning July 1, ~~2007~~ 2008. The contract
15 salary amount shall be the amount paid for their
16 regular responsibilities but shall not include pay for
17 extracurricular activities. These funds shall not

18 supplant existing funding for professional development
19 activities. Notwithstanding any provision to the
20 contrary, moneys received by a school district under
21 this paragraph shall not revert but shall remain
22 available for the same purpose in the succeeding
23 fiscal year. A school district shall submit a report
24 to the department in a manner determined by the
25 department describing its use of the funds received
26 under this paragraph. The department shall submit a
27 report on school district use of the moneys
28 distributed pursuant to this paragraph to the general
29 assembly and the legislative services agency not later
30 than January 15 of the fiscal year for which moneys
31 are allocated for purposes of this paragraph.

32 (2) From moneys available under subparagraph (1)
33 for the fiscal year beginning July 1, ~~2007~~ 2008, and
34 ending June 30, ~~2008~~ 2009, the department shall
35 allocate to area education agencies an amount per
36 teacher employed by an area education agency that is
37 approximately equivalent to the average per teacher
38 amount allocated to the districts. The average per
39 teacher amount shall be calculated by dividing the
40 total number of teachers employed by school districts
41 and the teachers employed by area education agencies
42 into the total amount of moneys available under
43 subparagraph (1).

44 (3) For the fiscal year beginning July 1, 2008,
45 and ending June 30, 2009, up to nine hundred fifteen
46 thousand dollars to the department for implementation
47 of a statewide early childhood professional
48 development system through the area education agencies
49 that is designed to support the statewide preschool
50 program for four-year-old children under chapter 256C

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1 and to the extent possible, other early childhood
2 programs.

3 e. For the each fiscal year beginning July 1,
4 2007, and ending June 30, 2008 in which funds are
5 appropriated for purposes of this chapter, an amount
6 up to one million eight hundred forty-five thousand
7 dollars to the department for the establishment of
8 teacher development academies in accordance with
9 section 284.6, subsection 10. A portion of the funds
10 allocated to the department for purposes of this
11 paragraph may be used for administrative purposes.

12 Sec. ____ Section 284.13, subsection 1, paragraph
13 f, Code Supplement 2007, is amended by striking the
14 paragraph and inserting in lieu thereof the following:
15 f. For the fiscal year beginning July 1, 2008, and
16 ending June 30, 2009, to the department of education,

17 the amount of two hundred fifty thousand dollars for
18 distribution to the institute for tomorrow's workforce
19 created pursuant to section 7K.1.

20 Sec.____. Section 284.13, subsection 1, paragraph
21 g, subparagraph (3), Code Supplement 2007, is amended
22 to read as follows:

23 (3) For the fiscal year beginning July 1, 2008,
24 and ending June 30, 2009, the sum of ~~two million five~~
25 three hundred thirty-five thousand dollars. From the
26 amount allocated for the fiscal year under this
27 subparagraph, an amount up to ten thousand dollars
28 shall be used for purposes of the pay-for-performance
29 commission's expenses, an amount up to one hundred
30 thousand dollars shall be used by the department for
31 oversight and administration of the implementation
32 pilots as provided in sections 284.14 and 284.14A, and
33 an amount up to two hundred thousand dollars shall be
34 used for the employment of an external evaluator.

35 Sec.____. Section 284.11, Code Supplement 2007, is
36 repealed.

37 DIVISION V

38 STATE SCHOOL AID FORMULA CHANGES

39 Sec.____. Section 256D.2, Code 2007, is amended to
40 read as follows:

41 256D.2 PROGRAM EXPENDITURES.

42 1. A school district shall expend funds received
43 pursuant to section 256D.4 at the kindergarten through
44 grade three levels to reduce class sizes to the state
45 goal of seventeen students for every one teacher and
46 to achieve a higher level of student success in the
47 basic skills, especially reading. In order to support
48 these efforts, school districts may expend funds
49 received pursuant to section 256D.4 at the
50 kindergarten through grade three level on programs,

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1 instructional support, and materials that include, but
2 are not limited to, the following: additional
3 licensed instructional staff; additional support for
4 students, such as before and after school programs,
5 tutoring, and intensive summer programs; the
6 acquisition and administration of diagnostic reading
7 assessments; the implementation of research-based
8 instructional intervention programs for students
9 needing additional support; the implementation of
10 all-day, everyday kindergarten programs; and the
11 provision of classroom teachers with intensive
12 training programs to improve reading instruction and
13 professional development in best practices, including
14 but not limited to training programs related to
15 instruction to increase students' phonemic awareness,

16 reading abilities, and comprehension skills.
17 2. This section is repealed June 30, 2009.
18 Sec. ____. NEW SECTION. 256D.2A PROGRAM FUNDING.
19 Beginning July 1, 2009, and each succeeding year, a
20 school district shall expend funds received pursuant
21 to section 257.10, subsection 11, at the kindergarten
22 through grade three levels to reduce class sizes to
23 the state goal of seventeen students for every one
24 teacher and to achieve a higher level of student
25 success in the basic skills, especially reading. In
26 order to support these efforts, school districts may
27 expend funds received pursuant to section 257.10,
28 subsection 11, at the kindergarten through grade three
29 level on programs, instructional support, and
30 materials that include but are not limited to the
31 following: additional licensed instructional staff;
32 additional support for students, such as before and
33 after school programs, tutoring, and intensive summer
34 programs; the acquisition and administration of
35 diagnostic reading assessments; the implementation of
36 research-based instructional intervention programs for
37 students needing additional support; the
38 implementation of all-day, everyday kindergarten
39 programs; and the provision of classroom teachers with
40 intensive training programs to improve reading
41 instruction and professional development in best
42 practices including but not limited to training
43 programs related to instruction to increase students'
44 phonemic awareness, reading abilities, and
45 comprehension skills.
46 Sec. ____. Section 256D.4, subsection 3, Code 2007,
47 is amended to read as follows:
48 3. For each year in which an appropriation is made
49 to the Iowa early intervention block grant program,
50 the department of education shall notify the

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1 department of administrative services of the amount of
2 the allocation to be paid to each school district as
3 provided in subsections 1 and 2. The allocation to
4 each school district shall be made in one payment on
5 or about October 15 of the fiscal year for which the
6 appropriation is made, taking into consideration the
7 relative budget and cash position of the state
8 resources. Moneys received under this section shall
9 not be commingled with state aid payments made under
10 section 257.16 to a school district and shall be
11 accounted for by the local school district separately
12 from state aid payments. Payments made to school
13 districts under this section are miscellaneous income
14 for purposes of chapter 257. ~~A school district shall~~

15 ~~maintain a separate listing within its budget for~~
16 ~~payments received and expenditures made pursuant to~~
17 ~~this section. A school district shall certify to the~~
18 ~~department of education that moneys received under~~
19 ~~this section were used to supplement, not supplant,~~
20 ~~moneys otherwise received and used by the school~~
21 ~~district.~~

22 Sec. ____ Section 256D.4, subsection 4, Code 2007,
23 is amended by striking the subsection and inserting in
24 lieu thereof the following:

25 4. This section is repealed June 30, 2009.

26 Sec. ____ NEW SECTION. 256D.4A PROGRAM
27 REQUIREMENTS.

28 A school district shall maintain a separate listing
29 within its budget for payments received and
30 expenditures made pursuant to this section. A school
31 district shall certify to the department of education
32 that moneys received under this section were used to
33 supplement, not supplant, moneys otherwise received
34 and used by the school district.

35 Sec. ____ Section 256D.5, subsection 4, Code
36 Supplement 2007, is amended to read as follows:

37 4. For each fiscal year of the fiscal period
38 beginning July 1, 2004, and ending June 30, ~~2012~~ 2009,
39 the sum of twenty-nine million two hundred fifty
40 thousand dollars.

41 Sec. ____ Section 257.1, subsection 2, unnumbered
42 paragraph 2, Code 2007, is amended to read as follows:

43 For the budget year commencing July 1, 1999, and
44 for each succeeding budget year the regular program
45 foundation base per pupil is eighty-seven and
46 five-tenths percent of the regular program state cost
47 per pupil. For the budget year commencing July 1,
48 1991, and for each succeeding budget year the special
49 education support services foundation base is
50 seventy-nine percent of the special education support

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1 services state cost per pupil. The combined
2 foundation base is the sum of the regular program
3 foundation base, ~~and~~ the special education support
4 services foundation base, the total teacher salary
5 supplement district cost, the total professional
6 development supplement district cost, the total early
7 intervention supplement district cost, the total area
8 education agency teacher salary supplement district
9 cost, and the total area education agency professional
10 development supplement district cost.

11 Sec. ____ Section 257.1, subsection 3, Code 2007,
12 is amended to read as follows:

13 3. COMPUTATIONS ROUNDED. In making computations

14 and payments under this chapter, except in the case of
15 computations relating to funding of special education
16 support services, media services, and educational
17 services provided through the area education agencies,
18 and the teacher salary supplement, the professional
19 development supplement, and the early intervention
20 supplement, the department of management shall round
21 amounts to the nearest whole dollar.

22 Sec. ____ Section 257.4, subsection 1, paragraph

23 a, Code 2007, is amended to read as follows:

24 a. A school district shall cause an additional
25 property tax to be levied each year. The rate of the
26 additional property tax levy in a school district
27 shall be determined by the department of management
28 and shall be calculated to raise the difference
29 between the combined district cost for the budget year
30 and the sum of ~~the products~~ the following:

31 (1) The product of the regular program foundation
32 base per pupil times the weighted enrollment in the
33 district, and the

34 (2) The product of special education support
35 services foundation base per pupil times the special
36 education support services weighted enrollment in the
37 district.

38 (3) The total teacher salary supplement district
39 cost.

40 (4) The total professional development supplement
41 district cost.

42 (5) The total early intervention supplement
43 district cost.

44 (6) The total area education agency teacher salary
45 supplement district cost.

46 (7) The total area education agency professional
47 development supplement district cost.

48 Sec. ____ Section 257.8, Code Supplement 2007, is
49 amended by adding the following new subsection:

50 NEW SUBSECTION. 1A. CATEGORICAL STATE PERCENT OF

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1 GROWTH. The categorical state percent of growth for
2 each budget year shall be established by statute which
3 shall be enacted within thirty days of the submission
4 in the year preceding the base year of the governor's
5 budget under section 8.21. The establishment of the
6 categorical state percent of growth for a budget year
7 shall be the only subject matter of the bill which
8 enacts the categorical state percent of growth for a
9 budget year. The categorical state percent of growth
10 may include state percents of growth for the teacher
11 salary supplement, the professional development
12 supplement, and the early intervention supplement.

13 Sec. ____ Section 257.9, Code 2007, is amended by
14 adding the following new subsections:
15 NEW SUBSECTION. 6. TEACHER SALARY SUPPLEMENT
16 STATE COST PER PUPIL. For the budget year beginning
17 July 1, 2009, for the teacher salary supplement state
18 cost per pupil, the department of management shall add
19 together the teacher compensation allocation made to
20 each district for the fiscal year beginning July 1,
21 2008, pursuant to section 284.13, subsection 1,
22 paragraph "h", and the phase II allocation made to
23 each district for the fiscal year beginning July 1,
24 2008, pursuant to section 294A.9, and divide that sum
25 by the statewide total budget enrollment for the
26 fiscal year beginning July 1, 2009. The teacher
27 salary supplement state cost per pupil for the budget
28 year beginning July 1, 2010, and succeeding budget
29 years, shall be the amount calculated by the
30 department of management under this subsection for the
31 base year plus an allowable growth amount that is
32 equal to the teacher salary supplement categorical
33 state percent of growth, pursuant to section 257.8,
34 subsection 1A, for the budget year, multiplied by the
35 amount calculated by the department of management
36 under this subsection for the base year.
37 NEW SUBSECTION. 7. PROFESSIONAL DEVELOPMENT
38 SUPPLEMENT STATE COST PER PUPIL. For the budget year
39 beginning July 1, 2009, for the professional
40 development supplement state cost per pupil, the
41 department of management shall add together the
42 professional development allocation made to each
43 district for the fiscal year beginning July 1, 2008,
44 pursuant to section 284.13, subsection 1, paragraph
45 "d", and divide that sum by the statewide total budget
46 enrollment for the fiscal year beginning July 1, 2009.
47 The professional development supplement state cost per
48 pupil for the budget year beginning July 1, 2010, and
49 succeeding budget years, shall be the amount
50 calculated by the department of management under this

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1 subsection for the base year plus an allowable growth
2 amount that is equal to the professional development
3 supplement categorical state percent of growth,
4 pursuant to section 257.8, subsection 1A, for the
5 budget year, multiplied by the amount calculated by
6 the department of management under this subsection for
7 the base year.
8 NEW SUBSECTION. 8. EARLY INTERVENTION SUPPLEMENT
9 STATE COST PER PUPIL. For the budget year beginning
10 July 1, 2009, for the early intervention supplement
11 state cost per pupil, the department of management

12 shall add together the early intervention allocation
13 made to each district for the fiscal year beginning
14 July 1, 2008, pursuant to section 256D.4, and divide
15 that sum by the statewide total budget enrollment for
16 the fiscal year beginning July 1, 2009. The early
17 intervention supplement state cost per pupil for the
18 budget year beginning July 1, 2010, and succeeding
19 budget years, shall be the amount calculated by the
20 department of management under this subsection for the
21 base year plus an allowable growth amount that is
22 equal to the early intervention supplement categorical
23 state percent of growth, pursuant to section 257.8,
24 subsection 1A, for the budget year, multiplied by the
25 amount calculated by the department of management
26 under this subsection for the base year.

27 NEW SUBSECTION. 9. AREA EDUCATION AGENCY TEACHER
28 SALARY SUPPLEMENT STATE COST PER PUPIL. For the
29 budget year beginning July 1, 2009, for the area
30 education agency teacher salary supplement state cost
31 per pupil, the department of management shall add
32 together the teacher compensation allocation made to
33 each area education agency for the fiscal year
34 beginning July 1, 2008, pursuant to section 284.13,
35 subsection 1, paragraph "i", and the phase II
36 allocation made to each area education agency for the
37 fiscal year beginning July 1, 2008, pursuant to
38 section 294A.9, and divide that sum by the statewide
39 special education support services weighted enrollment
40 for the fiscal year beginning July 1, 2009. The area
41 education agency teacher salary supplement state cost
42 per pupil for the budget year beginning July 1, 2010,
43 and succeeding budget years, shall be the amount
44 calculated by the department of management under this
45 subsection for the base year plus an allowable growth
46 amount that is equal to the teacher salary supplement
47 categorical state percent of growth, pursuant to
48 section 257.8, subsection 1A, for the budget year,
49 multiplied by the amount calculated by the department
50 of management under this subsection for the base year.

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1 NEW SUBSECTION. 10. AREA EDUCATION AGENCY
2 PROFESSIONAL DEVELOPMENT SUPPLEMENT STATE COST PER
3 PUPIL. For the budget year beginning July 1, 2009,
4 for the area education agency professional development
5 supplement state cost per pupil, the department of
6 management shall add together the professional
7 development allocation made to each area education
8 agency for the fiscal year beginning July 1, 2008,
9 pursuant to section 284.13, subsection 1, paragraph
10 "d", and divide that sum by the statewide special

11 education support services weighted enrollment for the
12 fiscal year beginning July 1, 2009. The area
13 education agency professional development supplement
14 state cost per pupil for the budget year beginning
15 July 1, 2010, and succeeding budget years, shall be
16 the amount calculated by the department of management
17 under this subsection for the base year plus an
18 allowable growth amount that is equal to the
19 professional development supplement categorical state
20 percent of growth, pursuant to section 257.8,
21 subsection 1A, for the budget year, multiplied by the
22 amount calculated by the department of management
23 under this subsection for the base year.

24 Sec. ____ Section 257.10, subsection 8, unnumbered
25 paragraph 1, Code 2007, is amended to read as follows:

26 Combined district cost is the sum of the regular
27 program district cost per pupil multiplied by the
28 weighted enrollment, ~~and the special education support~~
29 ~~services district cost, the total teacher salary~~
30 ~~supplement district cost, the total professional~~
31 ~~development supplement district cost, and the total~~
32 ~~early intervention supplement district cost, plus the~~
33 ~~sum of~~ the additional district cost allocated to the
34 district to fund media services and educational
35 services provided through the area education agency,
36 ~~the area education agency total teacher salary~~
37 ~~supplement district cost and the area education agency~~
38 ~~total professional development supplement district~~
39 ~~cost.~~

40 Sec. ____ Section 257.10, Code 2007, is amended by
41 adding the following new subsections:

42 NEW SUBSECTION. 9. TEACHER SALARY SUPPLEMENT COST
43 PER PUPIL AND DISTRICT COST.

44 a. For the budget year beginning July 1, 2009, the
45 department of management shall add together the
46 teacher compensation allocation made to each district
47 for the fiscal year beginning July 1, 2008, pursuant
48 to section 284.13, subsection 1, paragraph "h", and
49 the phase II allocation made to each district for the
50 fiscal year beginning July 1, 2008, pursuant to

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1 section 294A.9, and divide that sum by the district's
2 budget enrollment in the fiscal year beginning July 1,
3 2009, to determine the teacher salary supplement
4 district cost per pupil. For the budget year
5 beginning July 1, 2010, and succeeding budget years,
6 the teacher salary supplement district cost per pupil
7 for each school district for a budget year is the
8 teacher salary supplement program district cost per
9 pupil for the base year plus the teacher salary

10 supplement state allowable growth amount for the
11 budget year.

12 b. For the budget year beginning July 1, 2010, and
13 succeeding budget years, if the department of
14 management determines that the unadjusted teacher
15 salary supplement district cost of a school district
16 for a budget year is less than one hundred percent of
17 the unadjusted teacher salary supplement district cost
18 for the base year for the school district, the school
19 district shall receive a budget adjustment for that
20 budget year equal to the difference.

21 c. (1) The unadjusted teacher salary supplement
22 district cost is the teacher salary supplement
23 district cost per pupil for each school district for a
24 budget year multiplied by the budget enrollment for
25 that school district.

26 (2) The total teacher salary supplement district
27 cost is the sum of the unadjusted teacher salary
28 supplement district cost plus the budget adjustment
29 for that budget year.

30 d. The use of the funds calculated under this
31 subsection shall comply with the requirements of
32 chapters 284 and 294A and shall be distributed to
33 teachers pursuant to section 284.7.

34 NEW SUBSECTION. 10. PROFESSIONAL DEVELOPMENT
35 SUPPLEMENT COST PER PUPIL AND DISTRICT COST.

36 a. For the budget year beginning July 1, 2009, the
37 department of management shall divide the professional
38 development allocation made to each district for the
39 fiscal year beginning July 1, 2008, pursuant to
40 section 284.13, by the district's budget enrollment in
41 the fiscal year beginning July 1, 2009, to determine
42 the professional development supplement cost per
43 pupil. For the budget year beginning July 1, 2010,
44 and succeeding budget years, the professional
45 development supplement district cost per pupil for
46 each school district for a budget year is the
47 professional development supplement district cost per
48 pupil for the base year plus the professional
49 development supplement state allowable growth amount
50 for the budget year.

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1 b. For the budget year beginning July 1, 2010, and
2 succeeding budget years, if the department of
3 management determines that the unadjusted professional
4 development supplement district cost of a school
5 district for a budget year is less than one hundred
6 percent of the unadjusted professional development
7 supplement district cost for the base year for the
8 school district, the school district shall receive a

9 budget adjustment for that budget year equal to the
10 difference.

11 c. (1) The unadjusted professional development
12 supplement district cost is the professional
13 development supplement district cost per pupil for
14 each school district for a budget year multiplied by
15 the budget enrollment for that school district.

16 (2) The total professional development supplement
17 district cost is the sum of the unadjusted
18 professional development supplement district cost plus
19 the budget adjustment for that budget year.

20 d. The use of the funds calculated under this
21 subsection shall comply with the requirements of
22 chapter 284.

23 NEW SUBSECTION. 11. EARLY INTERVENTION SUPPLEMENT
24 COST PER PUPIL AND DISTRICT COST.

25 a. For the budget year beginning July 1, 2009, the
26 department of management shall divide the early
27 intervention allocation made to each district for the
28 fiscal year beginning July 1, 2008, pursuant to
29 section 256D.4, by the district's budget enrollment in
30 the fiscal year beginning July 1, 2009, to determine
31 the early intervention supplement cost per pupil. For
32 the budget year beginning July 1, 2010, and succeeding
33 budget years, the early intervention supplement
34 district cost per pupil for each school district for a
35 budget year is the early intervention supplement
36 district cost per pupil for the base year plus the
37 early development supplement state allowable growth
38 amount for the budget year.

39 b. For the budget year beginning July 1, 2010, and
40 succeeding budget years, if the department of
41 management determines that the unadjusted early
42 intervention supplement district cost of a school
43 district for a budget year is less than one hundred
44 percent of the unadjusted early intervention
45 supplement district cost for the base year for the
46 school district, the school district shall receive a
47 budget adjustment for that budget year equal to the
48 difference.

49 c. (1) The unadjusted early intervention
50 supplement district cost is the early intervention

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1 supplement district cost per pupil for each school
2 district for a budget year multiplied by the budget
3 enrollment for that school district.

4 (2) The total early intervention supplement
5 district cost is the sum of the unadjusted early
6 intervention supplement district cost plus the budget
7 adjustment for that budget year.

8 d. The use of the funds calculated under this
9 subsection shall comply with the requirements of
10 chapter 256D.

11 Sec. ____ Section 257.35, subsection 1, Code
12 Supplement 2007, is amended to read as follows:
13 1. The department of management shall deduct the
14 amounts calculated for special education support
15 services, media services, area education agency
16 teacher salary supplement district cost, area
17 education agency professional development supplement
18 district cost, and educational services for each
19 school district from the state aid due to the district
20 pursuant to this chapter and shall pay the amounts to
21 the respective area education agencies on a monthly
22 basis from September 15 through June 15 during each
23 school year. The department of management shall
24 notify each school district of the amount of state aid
25 deducted for these purposes and the balance of state
26 aid shall be paid to the district. If a district does
27 not qualify for state aid under this chapter in an
28 amount sufficient to cover its amount due to the area
29 education agency as calculated by the department of
30 management, the school district shall pay the
31 deficiency to the area education agency from other
32 moneys received by the district, on a quarterly basis
33 during each school year.

34 Sec. ____ NEW SECTION. 257.37A AREA EDUCATION
35 AGENCY SALARY SUPPLEMENT FUNDING.

36 1. AREA EDUCATION AGENCY TEACHER SALARY SUPPLEMENT
37 COST PER PUPIL AND DISTRICT COST.

38 a. For the budget year beginning July 1, 2009, the
39 department of management shall add together the
40 teacher compensation allocation made to each area
41 education agency for the fiscal year beginning July 1,
42 2008, pursuant to section 284.13, subsection 1,
43 paragraph "i", and the phase II allocation made to
44 each area education agency for the fiscal year
45 beginning July 1, 2008, pursuant to section 294A.9,
46 and divide that sum by the special education support
47 services weighted enrollment in the fiscal year
48 beginning July 1, 2009, to determine the area
49 education agency teacher salary supplement cost per
50 pupil. For the budget year beginning July 1, 2010,

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1 and succeeding budget years, the area education agency
2 teacher salary supplement district cost per pupil for
3 each area education agency for a budget year is the
4 area education agency teacher salary supplement
5 district cost per pupil for the base year plus the
6 area education agency teacher salary supplement state

7 allowable growth amount for the budget year.
8 b. For the budget year beginning July 1, 2010, and
9 succeeding budget years, if the department of
10 management determines that the unadjusted area
11 education agency teacher salary supplement district
12 cost of an area education agency for a budget year is
13 less than one hundred percent of the unadjusted area
14 education agency teacher salary supplement district
15 cost for the base year for the area education agency,
16 the area education agency shall receive a budget
17 adjustment for that budget year equal to the
18 difference.

19 c. (1) The unadjusted area education agency
20 teacher salary supplement district cost is the area
21 education agency teacher salary supplement district
22 cost per pupil for each area education agency for a
23 budget year multiplied by the special education
24 support services weighted enrollment for that area
25 education agency.

26 (2) The total area education agency teacher salary
27 supplement district cost is the sum of the unadjusted
28 area education agency teacher salary supplement
29 district cost plus the budget adjustment for that
30 budget year.

31 d. The use of the funds calculated under this
32 subsection shall comply with requirements of chapters
33 284 and 294A and shall be distributed to teachers
34 pursuant to section 284.7.

35 2. AREA EDUCATION AGENCY PROFESSIONAL DEVELOPMENT 36 SUPPLEMENT COST PER PUPIL AND DISTRICT COST.

37 a. For the budget year beginning July 1, 2009, the
38 department of management shall divide the area
39 education agency professional development supplement
40 made to each area education agency for the fiscal year
41 beginning July 1, 2008, pursuant to section 284.13, by
42 the special education support services weighted
43 enrollment in the fiscal year beginning July 1, 2009,
44 to determine the professional development supplement
45 cost per pupil. For the budget year beginning July 1,
46 2010, and succeeding budget years, the area education
47 agency professional development supplement district
48 cost per pupil for each area education agency for a
49 budget year is the area education agency professional
50 development supplement district cost per pupil for the

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1 base year plus the area education agency professional
2 development supplement state allowable growth amount
3 for the budget year.

4 b. For the budget year beginning July 1, 2010, and
5 succeeding budget years, if the department of

6 management determines that the unadjusted area
7 education agency professional development supplement
8 district cost of an area education agency for a budget
9 year is less than one hundred percent of the
10 unadjusted area education agency professional
11 development supplement district cost for the base year
12 for the area education agency, the area education
13 agency shall receive a budget adjustment for that
14 budget year equal to the difference.

15 c. (1) The unadjusted area education agency
16 professional development supplement district cost is
17 the area education agency professional development
18 supplement district cost per pupil for each area
19 education agency for a budget year multiplied by the
20 special education support services weighted enrollment
21 for that area education agency.

22 (2) The total area education agency professional
23 development supplement district cost is the sum of the
24 unadjusted area education agency professional
25 development supplement district cost plus the budget
26 adjustment for that budget year.

27 d. The use of the funds calculated under this
28 subsection shall comply with requirements of chapter
29 284.

30 Sec. ____ NEW SECTION. 257.51 CATEGORICAL STATE
31 APPROPRIATIONS.

32 For the budget year beginning July 1, 2009, and
33 succeeding budget years, if the general assembly makes
34 an appropriation pursuant to section 284.13,
35 subsection 1, paragraph "h" or "i", or for the phase
36 II allocation pursuant to section 294A.9, or for
37 professional development pursuant to section 284.13,
38 subsection 1, paragraph "d", or for early intervention
39 pursuant to section 256D.4, the department of
40 management shall recalculate the formulas in section
41 257.9, subsections 6 through 10; section 257.10,
42 subsections 9, 10, and 11; and section 257.37A.

43 Sec. ____ Section 294A.9, Code 2007, is amended to
44 read as follows:

45 294A.9 PHASE II PROGRAM.

46 1. Phase II is established to improve the salaries
47 of teachers.

48 2. For each fiscal year beginning on or after July
49 1, 1992, the per pupil amount upon which the phase II
50 moneys are based is equal to the per pupil allocation

1 plus supplemental allocations for the immediately
2 preceding fiscal year.

3 3. The department of education shall certify the
4 amounts of the allocations for each school district

5 and area education agency to the department of
6 administrative services and the department of
7 administrative services shall make the payments to
8 school districts and area education agencies.

9 4. If a school district has discontinued grades
10 under section 282.7, subsection 1, or students attend
11 school in another school district, under an agreement
12 with the board of the other school district, the board
13 of directors of the district of residence either shall
14 transmit the phase II moneys allocated to the district
15 for those students based upon the full-time equivalent
16 attendance of those students to the board of the
17 school district of attendance of the students or shall
18 transmit to the board of the school district of
19 attendance of the students a portion of the phase II
20 moneys allocated to the district of residence based
21 upon an agreement between the board of the resident
22 district and the board of the district of attendance.

23 5. If a school district uses teachers under a
24 contract between the district and the area education
25 agency in which the district is located, the school
26 district shall transmit to the employing area
27 education agency a portion of its phase II allocation
28 based upon the portion that the salaries of teachers
29 employed by the area education agency and assigned to
30 the school district for a school year bears to the
31 total teacher salaries paid in the district for that
32 school year, including the salaries of the teachers
33 employed by the area education agency.

34 6. If the school district or area education agency
35 is organized under chapter 20 for collective
36 bargaining purposes, the board of directors and
37 certified bargaining representative for the licensed
38 employees shall mutually agree upon a formula for
39 distributing the phase II allocation among the
40 teachers.

41 7. For the school year beginning July 1, 1987,
42 only, the parties shall follow the procedures
43 specified in chapter 20 except that if the parties
44 reach an impasse, neither impasse procedures agreed to
45 by the parties nor sections 20.20 through 20.22 shall
46 apply and the phase II allocation shall be divided as
47 provided in section 294A.10. Negotiations under this
48 section are subject to the scope of negotiations
49 specified in section 20.9. If a board of directors
50 and certified bargaining representative for licensed

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1 employees have not reached mutual agreement by July
2 15, 1987, for the distribution of the phase II
3 payment, section 294A.10 will apply.

4 8. If the school district or area education agency
5 is not organized for collective bargaining purposes,
6 the board of directors shall determine the method of
7 distribution.

8 9. Subsections 2, 3, 4, and 7 are repealed June
9 30, 2009.

10 Sec.____. Section 294A.10, Code 2007, is amended
11 by adding the following new subsection:

12 NEW SUBSECTION. 5. This section is repealed June
13 30, 2009.

14 Sec.____. Section 294A.22, Code 2007, is amended
15 to read as follows:

16 294A.22 PAYMENTS.

17 1. Payments for each phase of the educational
18 excellence program shall be made by the department of
19 administrative services on a monthly basis commencing
20 on October 15 and ending on June 15 of each fiscal
21 year, taking into consideration the relative budget
22 and cash position of the state resources. The
23 payments shall be separate from state aid payments
24 made pursuant to sections 257.16 and 257.35. The
25 payments made under this section to a school district
26 or area education agency may be combined and a
27 separate accounting of the amount paid for each
28 program shall be included.

29 2. Any payments made to school districts or area
30 education agencies under this chapter are
31 miscellaneous income for purposes of chapter 257.

32 3. Payments made to a teacher by a school district
33 or area education agency under this chapter are wages
34 for the purposes of chapter 91A.

35 4. If funds appropriated are insufficient to pay
36 phase II allocations in full, the department of
37 administrative services shall prorate payments to
38 school districts and area education agencies.

39 This subsection is repealed June 30, 2009.

40 Sec.____. Section 294A.25, subsection 1, Code
41 2007, is amended to read as follows:

42 1. For the fiscal ~~year period~~ beginning July 1,
43 2003, and ~~for each succeeding year ending June 30,~~
44 2009, there is appropriated each fiscal year from the
45 general fund of the state to the department of
46 education the amount of fifty-six million eight
47 hundred ninety-one thousand three hundred thirty-six
48 dollars to be used to improve teacher salaries. The
49 moneys shall be distributed as provided in this
50 section.

1 Sec.____. Section 294A.25, Code 2007, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 1A. For the fiscal year beginning
4 July 1, 2009, and for each succeeding year, there is
5 appropriated from the general fund of the state to the
6 department of education an amount not to exceed
7 fifteen million six hundred thirty-three thousand two
8 hundred forty-five dollars. The moneys shall be
9 distributed as provided in this section.
10 Sec. ____ Section 294A.25, subsection 6, Code
11 2007, is amended to read as follows:
12 6. Except as otherwise provided in this section,
13 for the fiscal year period beginning July 1, 2003, and
14 ~~succeeding fiscal years~~ ending June 30, 2009, the
15 remainder of moneys appropriated in subsection 1 to
16 the department of education shall be deposited each
17 fiscal year in the educational excellence fund to be
18 allocated in an amount to meet the requirements of
19 this chapter for phase I and phase II.
20 Sec. ____ Section 294A.25, Code 2007, is amended
21 by adding the following new subsection:
22 NEW SUBSECTION. 6A. Except as otherwise provided
23 in this section, for the fiscal year beginning July 1,
24 2009, and succeeding fiscal years, the remainder of
25 moneys appropriated in subsection 1 to the department
26 of education shall be deposited in the educational
27 excellence fund to be allocated in an amount to meet
28 the requirements of this chapter for phase I."
29 43. By renumbering, redesignating, and correcting
30 internal references as necessary.

Tymeson of Madison offered the following amendment [H-8654](#), to the Senate amendment [H-8652](#), filed by her from the floor and moved its adoption:

[H-8654](#)

1 Amend the Senate amendment, [H-8652](#), to House File
2 2679, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 3, by striking line 7.
5 2. Page 4, by striking line 19.
6 3. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Greiner of Washington.

Rule 75 was invoked.

On the question "Shall amendment [H-8654](#) be adopted?" ([H.F. 2679](#))

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 1:

Roberts

Amendment [H-8654](#) lost.

Kaufmann of Cedar offered the following amendment [H-8662](#), to the Senate amendment [H-8652](#), filed by him from the floor and moved its adoption:

[H-8662](#)

- 1 Amend the Senate amendment, [H-8652](#), to House File
- 2 2679, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, by inserting after line 7 the
- 5 following:

6 " _____. Page 16, line 8, by striking the words "
7 the state board of regents," "
8 2. By renumbering as necessary.

Rants of Woodbury asked and received unanimous consent to temporarily defer on [House File 2679](#). (Amendment [H-8662](#) pending)

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 2203](#) be immediately messaged to the Senate.

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 24, 2008, receded from the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

[House File 2177](#), a bill for an act relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license.

Also: That the Senate has on April 24, 2008, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2687](#), a bill for an act relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties, and including effective date and retroactive applicability date provisions.

Also: That the Senate has on April 24, 2008, passed the following bill in which the concurrence of the Senate was asked:

[House File 2690](#), a bill for an act relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for properly related matters and including an effective date.

Also: That the Senate has on April 24, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2132](#), a bill for an act relating to notices regarding the disposition of seized property and providing an effective date.

Also: That the Senate has on April 24, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2160](#), a bill for an act relating to employers' participation in unemployment insurance adjudications.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Reasoner of Union called up for consideration [House File 2689](#), a bill for an act relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8660](#):

[H-8660](#)

1 Amend [House File 2689](#), as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 16 through 20.

4 2. Page 5, line 5, by striking the word
5 "thirty-five" and inserting the following:

6 "twenty-four".

7 3. Page 5, line 10, by striking the word "five"
8 and inserting the following: "six".

9 4. Page 5, lines 12 and 13, by striking the words
10 "seven thousand five hundred" and inserting the
11 following: "six thousand".

12 5. Page 5, line 14, by striking the word "ten"
13 and inserting the following: "six".

14 6. Page 5, lines 16 and 17, by striking the words
15 "twelve thousand five hundred" and inserting the
16 following: "six thousand".

17 7. Page 5, line 34, by striking the words "or"
18 "dispense" and inserting the following: "and"
19 "dispense".

20 8. Page 6, line 1, by striking the word "fifty".

21 9. Page 6, line 2, by inserting after the word
22 "less," the following: "However, a person shall not
23 be awarded moneys under this subparagraph if the
24 person has been awarded a total of eight hundred
25 thousand dollars under this subparagraph during any
26 period of time and pursuant to all cost-share
27 agreements in which the person participates."

28 10. Page 7, line 21, by striking the word
29 "subsection" and inserting the following:
30 "subsections".

31 11. Page 7, by inserting after line 21 the
32 following:

33 "NEW SUBSECTION. 21A. "Standard ethanol blended
34 gasoline" means ethanol blended gasoline for use in
35 gasoline-powered vehicles other than flexible fuel
36 vehicles, that meets the requirements of section
37 214A.2."

38 12. Page 7, line 22, by striking the figure
39 "21A." and inserting the following: "21B."
40 13. Page 8, by inserting after line 34 the
41 following:
42 "(4) For standard ethanol blended gasoline, it
43 must be ethanol blended gasoline classified as any of
44 the following:
45 (a) E-9 or E-10, if the ethanol blended gasoline
46 meets the standards for that classification as
47 otherwise provided in this paragraph "b".
48 (b) Higher than E-10, if authorized by the
49 department pursuant to approval for the use of that
50 classification of ethanol blended gasoline in this

Page 2

1 state by the United States environmental protection
2 agency, by granting a waiver or the adoption of
3 regulations."
4 14. Page 8, line 35, by striking the figure "(4)"
5 and inserting the following: "(5)".
6 15. Page 10, line 16, by striking the word "E-10"
7 and inserting the following: "standard ethanol
8 blended gasoline".
9 16. Page 13, by striking lines 25 through 28.
10 17. Page 14, by inserting after line 2 the
11 following:
12 "Sec. _____. Section 422.11P, subsection 2,
13 paragraph a, subparagraphs (1) and (2), Code
14 Supplement 2007, are amended to read as follows:
15 (1) The taxpayer is a retail dealer who sells and
16 dispenses biodiesel blended fuel through a motor fuel
17 pump located at a motor fuel site operated by the
18 retail dealer in the tax year in which the tax credit
19 is claimed.
20 (2) Of the total gallons of diesel fuel that the
21 retail dealer sells and dispenses through all motor
22 fuel pumps located at a motor fuel site operated by
23 the retail dealer during the retail dealer's tax year,
24 fifty percent or more is biodiesel blended fuel which
25 meets the requirements of this section."
26 18. Page 14, line 6, by striking the word
27 "taxpayer" and inserting the following: "retail
28 dealer".
29 19. Page 14, line 10, by inserting after the word
30 "pumps" the following: "located at a retail motor
31 fuel site".
32 20. Page 14, line 15, by inserting after the word
33 "taxpayer" the following: "in the same manner as
34 provided in section 422.11P".
35 21. Page 14, line 17, by striking the word
36 "RETROACTIVE" and inserting the following: "FUTURE".

- 37 22. Page 14, line 20, by striking the word
38 "retroactively".
39 23. Page 14, line 21, by striking the figure
40 "2008" and inserting the following: "2009".
41 24. By striking page 14, line 24, through page
42 16, line 9.
43 25. Page 19, line 18, by striking the word
44 "blended".
45 26. Page 19, line 20, by striking the word
46 "blended".
47 27. Page 20, line 6, by striking the word and
48 figures "January 30, 2009" and inserting the
49 following: "March 15, 2009".
50 28. Page 20, line 18, by striking the word

Page 3

- 1 "blended".
2 29. Page 20, line 21, by striking the word
3 "blended".
4 30. Page 20, line 22, by striking the word
5 "blended".
6 31. Page 20, line 24, by striking the word
7 "blended".
8 32. Page 20, lines 24 and 25, by striking the
9 words "and terminals storing biodiesel".
10 33. Page 20, line 28, by inserting after the
11 words "fuel vehicles" the following: "and diesel
12 powered vehicles".
13 34. Page 20, line 31, by striking the word and
14 figures "October 1, 2008" and inserting the following:
15 "December 15, 2008".
16 35. Title page, line 4, by striking the words
17 "providing for the reporting of biofuels,".
18 36. Title page, lines 7 and 8, by striking the
19 words "; including retroactive applicability".
20 37. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8660](#).

Reasoner of Union 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. 2689](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Winckler	Windschitl	Wise	Worthan
Zirkelbach	Mr. Speaker Murphy		

The nays were, none.

Absent or not voting, 2:

Foege Roberts

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

INTRODUCTION OF BILL

House File 2700, by committee on appropriations, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related

matters, and including effective and retroactive applicability date provisions.

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2689](#) be immediately messaged to the Senate.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

[Senate File 2429](#), a bill for an act relating to budget requirements by certain small cities and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2008

Appropriations Calendar

[Senate File 2429](#), a bill for an act relating to budget requirements by certain small cities and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Lukan of Dubuque 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. 2429](#))

The ayes were, 97:

Abdul-Samad
Bailey

Alons
Baudler

Anderson
Bell

Arnold
Berry

Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wiencek
Windschitl	Wise	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 2429](#) be immediately messaged to the Senate.

Reasoner of Union in the chair at 5:13 p.m.

SENATE AMENDMENT CONSIDERED

The House resumed consideration of [House File 2679](#), 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 education, and the state board of regents, providing for related matters and including effective date

provisions, amended by the Senate amendment [H-8652](#), previously deferred. (Amendment [H-8662](#) pending)

Kaufmann of Cedar asked and received unanimous consent that amendment [H-8662](#) be deferred.

Tymeson of Madison offered the following amendment [H-8661](#), to the Senate amendment [H-8652](#), filed by her from the floor and moved its adoption:

[H-8661](#)

1 Amend the Senate amendment, [H-8652](#), to House File
2 2679 as follows:
3 1. Page 4, by inserting after line 14 the
4 following:
5 "Sec. _____. Section 256.11, subsection 10,
6 paragraph b, subparagraph (1), Code Supplement 2007,
7 is amended by adding the following new subparagraph
8 subdivision:
9 NEW SUBPARAGRAPH SUBDIVISION. (f) In response to
10 notification from the board of educational examiners
11 or a principal that an arrest of a school employee has
12 been reported pursuant to section 280.29."
13 2. Page 4, by inserting before line 20 the
14 following:
15 " _____. Page 37, by inserting before line 17 the
16 following:
17 "Sec. _____. Section 272.2, subsection 14, paragraph
18 a, Code Supplement 2007, is amended to read as
19 follows:
20 a. The board may deny a license to or revoke the
21 license of a person upon the board's finding by a
22 preponderance of evidence that either the person has
23 been convicted of a crime or that there has been a
24 founded report of child abuse against the person.
25 Rules adopted in accordance with this paragraph shall
26 provide that in determining whether a person should be
27 denied a license or that a practitioner's license
28 should be revoked, the board shall consider the nature
29 and seriousness of the founded abuse or crime in
30 relation to the position sought, the time elapsed
31 since the crime was committed, the degree of
32 rehabilitation which has taken place since the
33 incidence of founded abuse or the commission of the
34 crime, the likelihood that the person will commit the
35 same abuse or crime again, and the number of founded
36 abuses committed by or criminal convictions of the
37 person involved. In addition, the board may revoke
38 the license of a person upon the board's finding by a

39 preponderance of the evidence that the person failed
 40 to report an arrest as provided in section 280.29."

41 _____. Page 38, by inserting after line 5 the
 42 following:

43 "Sec. _____. NEW SECTION. 280.29 REPORTING –
 44 ARREST.

45 1. A school employee who has been arrested for a
 46 criminal offense shall report the arrest to the board
 47 of educational examiners within seven days of the
 48 arrest. A school employee who is not licensed or
 49 certified by the board of educational examiners, or
 50 who does not have a statement of professional

Page 2

1 recognition issued by the board of educational
 2 examiners, shall report the arrest to the principal of
 3 the school within seven days of the arrest.

4 2. When an arrest is reported pursuant to
 5 subsection 1, the board of educational examiners or
 6 the principal of the school who received the report
 7 shall notify the department of education and the
 8 department shall proceed as provided in section
 9 256.11, subsection 10, paragraph b, subparagraph (1),
 10 subparagraph subdivision (f).

11 3. The school employee may be subject to
 12 disciplinary action pursuant to section 272.2,
 13 subsection 14, paragraph "a". ""

14 3. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8661](#) be adopted?" ([H.F. 2679](#))

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Chambers	Clute
De Boef	Deyoe	Dolecheck	Drake
Forristall	Gipp	Granzow	Grassley
Greiner	Heaton	Hoffman	Horbach
Huseman	Jacobs	Kaufmann	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencek	Windschitl	Worthan

The nays were, 51:

Abdul-Samad	Bailey	Berry	Bukta
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Reasoner, Presiding	

Absent or not voting, 1:

Roberts

Amendment [H-8661](#) lost.

Paulsen of Linn asked and received unaniman consent that amendment [H-8663](#) be deferred.

Worthan of Buena Vista offered the following amendment [H-8657](#), to the Senate amendment [H-8652](#), filed by him from the floor and moved its adoption:

[H-8657](#)

1 Amend the Senate amendment, [H-8652](#), to House File
 2 2679, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 4, by inserting before line 20 the
 5 following:
 6 "____. Page 38, by inserting after line 5 the
 7 following:
 8 "Sec.____. Section 282.18, subsection 7, Code
 9 2007, is amended to read as follows:
 10 7. A pupil participating in open enrollment shall
 11 be counted, for state school foundation aid purposes,
 12 in the pupil's district of residence. A pupil's
 13 residence, for purposes of this section, means a
 14 residence under section 282.1. The board of directors
 15 of the district of residence shall pay to the
 16 receiving district the state cost per pupil for the
 17 previous school year, plus any moneys received for the
 18 pupil as a result of the non-English speaking
 19 weighting under section 280.4, subsection 3, for the

20 previous school year multiplied by the state cost per
21 pupil for the previous year. If the pupil
22 participating in open enrollment is also an eligible
23 pupil under chapter 261C, the receiving district shall
24 pay the tuition reimbursement amount to an eligible
25 postsecondary institution as provided in section
26 261C.6. If four percent or more of the pupils
27 residing in a school district participate in open
28 enrollment and enroll in the same receiving district,
29 the district of residence shall pay to the receiving
30 district the percentage of the amount the district of
31 residence receives under 284.13, subsection 1,
32 paragraph "h", equal to the proportion that the number
33 of students enrolled in the receiving district under
34 this section bears to the basic enrollment of the
35 district of residence."
36 2. Page 4, by striking lines 21 through 25.
37 3. Page 4, by striking line 26 and inserting the
38 following:
39 "____. Page 40, by striking line 20 and inserting
40 the following: "section 282.18, subsection 7,
41 takes"."
42 4. By renumbering as necessary.

Amendment [H-8657](#) lost.

Tymeson of Madison offered the following amendment [H-8658](#), to the Senate amendment [H-8652](#), filed by her from the floor and moved its adoption:

[H-8658](#)

1 Amend the Senate amendment, [H-8652](#), to House File
2 2679, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 4, by inserting before line 20 the
5 following:
6 "____. Page 37, by inserting before line 17 the
7 following:
8 "Sec.____. Section 279.13, subsection 1, paragraph
9 a, Code Supplement 2007, is amended to read as
10 follows:
11 a. Contracts with teachers, which for the purpose
12 of this section means all licensed employees of a
13 school district and nurses employed by the board,
14 excluding superintendents, assistant superintendents,
15 principals, and assistant principals, shall be in
16 writing and shall state the number of contract days,
17 the annual compensation to be paid, and any other
18 matters as may be mutually agreed upon. However, the
19 contract shall not provide for reimbursement by the

20 school district or board for a discounted or free
 21 membership or admission to a private business. The
 22 contract may include employment for a term not
 23 exceeding the ensuing school year, except as otherwise
 24 authorized."
 25 ____ Page 38, by inserting after line 5 the
 26 following:
 27 "Sec. ____ Section 279.13, subsection 3, Code
 28 Supplement 2007, is amended to read as follows:
 29 3. If the provisions of a contract executed or
 30 automatically renewed under this section conflict with
 31 a collective bargaining agreement negotiated under
 32 chapter 20 and effective when the contract is executed
 33 or renewed, the provisions of the collective
 34 bargaining agreement shall prevail. However, a
 35 collective bargaining agreement shall not provide for
 36 reimbursement by the school district or board for a
 37 discounted or free membership or admission to a
 38 private business."
 39 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Struyk of Pottawattamie.

On the question "Shall amendment [H-8658](#) to the Senate amendment be adopted?" ([H.F. 2679](#))

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wiencek	Windschitl
Worthan			

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson

Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Tomenga
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Reasoner, Presiding			

Absent or not voting, 2:

Hoffman Roberts

Amendment [H-8658](#) lost.

Paulsen of Linn offered the following amendment [H-8677](#), to the Senate amendment [H-8652](#), filed by him from the floor and moved its adoption:

[H-8677](#)

- 1 Amend the Senate amendment, [H-8652](#), to House File
- 2 2679, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by inserting before line 20 the
- 5 following:
- 6 "____. Page 38, by inserting after line 5 the
- 7 following:
- 8 "Sec.____. NEW SECTION. 279.61A PROFICIENCY
- 9 NOTIFICATION.
- 10 If a student is not proficient in reading,
- 11 mathematics, or science, the board of directors of a
- 12 school district shall notify, in writing, the
- 13 student's parent or guardian, no later than the end of
- 14 the semester in which the student failed to reach
- 15 proficiency, that the student is functioning at less
- 16 than proficiency in one or more of the areas
- 17 specified.""
- 18 2. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Greiner of Washington.

On the question "Shall amendment [H-8677](#) be adopted?" ([H.F. 2679](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall

Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Reasoner, Presiding	

Absent or not voting, 2:

Roberts Zirkelbach

Amendment [H-8677](#) lost.

Chambers of O'Brien offered the following amendment [H-8655](#), to the Senate amendment [H-8652](#), filed by him from the floor and moved its adoption:

[H-8655](#)

- 1 Amend the Senate amendment, [H-8652](#), to House File
- 2 2679, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 12, by striking lines 12 through 14.
- 5 2. Page 12, line 15, by striking the figure "f."
- 6 and inserting the following:
- 7 "Sec. ____ Section 284.13, subsection 1, Code
- 8 Supplement 2007, is amended by adding the following
- 9 new paragraph:
- 10 NEW PARAGRAPH. k."
- 11 3. Page 12, by striking lines 35 and 36.
- 12 4. By renumbering as necessary.

Amendment [H-8655](#) lost.

Rants of Woodbury offered the following amendment [H-8656](#), to the Senate amendment [H-8652](#), filed by him from the floor and moved its adoption:

[H-8656](#)

- 1 Amend the Senate amendment, [H-8652](#), to House File
- 2 2679, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 16, line 4, by striking the word "base"
- 5 and inserting the following: "budget".
- 6 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Tymeson of Madison.

On the question "Shall amendment [H-8656](#) be adopted?" ([H.F. 2679](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	Reasoner,
			Presiding

Absent or not voting, 1:

Roberts

Amendment [H-8656](#) lost.

The House resumed consideration of amendment [H-8662](#), to the Senate amendment, previously deferred and found on pages 1826 through 1827 of the House Journal.

Winckler of Scott offered the following amendment [H-8683](#), to amendment [H-8662](#) to the Senate amendment [H-8652](#) filed by her and Kaufmann of Cedar from the floor and moved its adoption:

[H-8683](#)

- 1 Amend the amendment, H-8662, to the Senate
- 2 amendment, H-8652, to [House File 2679](#), as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, by inserting after line 7 the
- 5 following:
- 6 "____. Page 3, by inserting before line 8 the
- 7 following:
- 8 _____. Page 16, by inserting after line 17 the
- 9 following:
- 10 "Sec. _____. DEPARTMENT OF EDUCATION – LIAISON
- 11 ADVISORY COMMITTEE ON TRANSFER STUDENTS. The
- 12 department of education shall convene a liaison
- 13 advisory committee on transfer students to study
- 14 articulation and transferability issues, measures, and
- 15 agreements. The advisory committee shall be comprised
- 16 of three persons representing the community colleges
- 17 and a representative from each of the institutions of
- 18 higher learning governed by the state board of
- 19 regents. The department shall provide staffing
- 20 assistance to the committee. The advisory committee
- 21 shall submit a progress report to the general assembly
- 22 by January 15, 2009. The progress report shall
- 23 include a history of articulation between the
- 24 community college and regents universities, the number
- 25 of statewide and institution-to-institution
- 26 articulation agreements in place currently, and the
- 27 advisory committee's recommendations."
- 28 2. By renumbering as necessary.

Amendment [H-8683](#) was adopted.

On motion by Kaufmann of Cedar, amendment [H-8662](#), as amended was adopted.

Paulsen of Linn asked and received unanimous consent to withdraw amendment [H-8663](#), previously deferred, to amendment [H-8652](#), filed by him from the floor.

Winckler of Scott moved that the House concur in the Senate amendment [H-8652](#), as amended.

Roll call was requested by Paulsen of Linn and Rants of Woodbury.

On the question "Shall the Senate amendment [H-8652](#), as amended, be adopted?" ([H.F. 2679](#))

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reichert
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Reasoner,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Roberts

The House concurred in the Senate amendment [H-8652](#), as amended.

Winckler of Scott 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. 2679](#))

The ayes were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevet	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Reasoner, Presiding			

The nays were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2679](#) be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 2008, 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 2428](#), A bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 6:39 p.m., until 7:30 p.m.

EVENING SESSION

The House reconvened at 8:15 p.m., Petersen of Polk in the chair.

Speaker Murphy in the chair at 8:41 p.m.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-one members present, nine absent.

CONFERENCE COMMITTEE REPORT RECEIVED

[\(Senate File 2425\)](#)

A conference committee report signed by the following Senate and House members was filed April 24, 2008, on [Senate File 2425](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions:

ON THE PART OF THE SENATE:
HATCH, Chair
BOLKOM
AMANDA

ON THE PART OF THE HOUSE:
FOEGE, Chair
GAYMAN
SMITH

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 24, 2008, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

[House File 2679](#), 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 education, and the state board of regents, providing for related matters and including effective date provisions.

Also: That the Senate has on April 24, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2203](#), a bill for an act relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators.

Also That the Senate has on April 24, 2008, failed to adopt the conference committee report on [Senate File 2425](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Also: That the Senate has on April 24, 2008, appointed a second conference committee on [Senate File 2425](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. (Formerly [SSB 3297](#).), and the members of the conference committee on the part of the Senate are: The Senator from Polk, Senator Hatch, Chair; the Senator from Johnson, Senator Bolckcom; the Senator from Cerro Gordo, Senator Ragan; the Senator from Osceola, Senator Johnson; the Senator from Harrison, Senator Seymour.

MICHAEL E. MARSHALL, Secretary

SECOND CONFERENCE COMMITTEE APPOINTED ([Senate File 2425](#))

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning [Senate File 2425](#): Foege of Linn, Chair; Smith of Marshall, Gayman of Scott, Heaton of Henry and Raecker of Polk.

SENATE AMENDMENT CONSIDERED

T. Taylor of Linn called up for consideration [Senate File 2428](#), a bill for an act relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of

gambling winnings, sanctioning of professional licenses, modifying provisions related to county attorney collections, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-8684](#) to the House amendment:

[H-8684](#)

- 1 Amend the House amendment, [S-5439](#), to Senate File
- 2 2428, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 10 and 11 and
- 5 inserting the following: "transaction involving the
- 6 furnishing of lawn care, landscaping, or tree trimming
- 7 and removal services which occurred more than five
- 8 years from the date of an audit."
- 9 2. Page 1, line 32, by striking the words
- 10 ""collection practices and costs"" and inserting the
- 11 following: ""debt and tax collection practices and
- 12 fees"".

The motion prevailed and the House concurred in the Senate amendment [H-8684](#), to the House amendment.

T. Taylor of Linn 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. 2428](#))

The ayes were, 76:

Abdul-Samad	Anderson	Baudler	Bell
Berry	Boal	Bukta	Clute
Cohoon	Dandekar	Davitt	Deyoe
Foege	Ford	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Heaton	Heddens	Horbach	Hunter
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rants	Rasmussen	Reasoner	Reichert
Schickel	Schueller	Shomshor	Smith

Soderberg	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Fossen	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Wise	Mr. Speaker
			Murphy

The nays were, 20:

Alons	Arnold	Chambers	De Boef
Dolecheck	Drake	Greiner	Hoffman
Huseman	Huser	Lukan	May
Raecker	Rayhons	Sands	Struyk
Van Engelenhoven	Watts	Windschitl	Worthan

Absent or not voting, 4:

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 2425](#) be immediately messaged to the Senate.

The House stood at ease at 8:40 p.m., till the fall of the gavel.

The House resumed session at 11:03 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILL

[House File 2701](#), by committee on appropriations, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Forristall of Pottawattamie and Upmeyer of Hancock on request of Soderberg of Plymouth.

SENATE AMENDMENT CONSIDERED

Reichert of Muscatine called up for consideration [House File 2688](#), a bill for an act providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, and including applicability and effective date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8653](#):

[H-8653](#)

1 Amend [House File 2688](#), as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 35, by striking the figure
4 "266.48" and inserting the following: "266.49".
5 2. Page 2, line 24, by striking the figure
6 "266.48" and inserting the following: "266.49".
7 3. Page 4, by striking lines 15 through 25 and
8 inserting the following: "provided in this division,
9 and all information submitted by or gathered from or
10 deduced from a livestock producer or livestock
11 operation pursuant to a livestock odor mitigation
12 evaluation under section 266.49 or section 459.303,
13 subsection 3. The public shall have a right to
14 examine and copy the information as provided in
15 chapter 22, subject to the exceptions of section 22.7.
16 In addition, the university or an agent or employee of
17 the university shall not release the name or location,
18 or any other information sufficient to identify the
19 name or location of any livestock producer or
20 livestock operation participating in a research
21 project or participating in a livestock odor
22 mitigation evaluation pursuant to section 266.49 or
23 section 459.303, subsection 3, and such information
24 shall not be subject to release pursuant to subpoena
25 or discovery in any civil proceeding, unless such
26 confidentiality is waived in writing by the livestock
27 producer. In addition, the university or an employee
28 or agent of the university shall release no other
29 information submitted by or gathered from or deduced
30 from a livestock producer or livestock operation
31 pursuant to a livestock odor mitigation evaluation
32 under section 266.49 or section 459.303, subsection 3,

33 unless such information is used in a research project,
34 which in turn shall not occur without the written
35 consent of the livestock producer. Any information
36 provided by, gathered from, or deduced from a
37 livestock producer or livestock operation in
38 connection with a research project or odor mitigation
39 evaluation that is in the possession of the livestock
40 producer or livestock operation shall not be subject
41 to subpoena or discovery in any civil action against
42 the producer."

43 4. Page 5, line 16, by inserting after the word
44 "university" the following: ", or any individual
45 researcher employed by or affiliated with the
46 university."

47 5. Page 5, by striking lines 24 through 27 and
48 inserting the following:
49 "____. All information obtained by the university
50 in connection with a research project shall be

Page 2

1 available for public examination and copying as
2 provided in chapter 22, subject to the exceptions of
3 section 22.7, so long as the".

4 6. Page 5, by inserting after line 29 the
5 following:

6 "Sec.____. NEW SECTION. 266.48 COST-SHARE
7 PROGRAM FOR LIVESTOCK MITIGATION EFFORTS.

8 1. a. Iowa state university, in cooperation with
9 the department of agriculture and land stewardship and
10 the department of natural resources, shall establish a
11 cost-share program for the livestock odor mitigation
12 research efforts as established in sections 266.43
13 through 266.45 that maximizes participation in the
14 livestock mitigation research efforts so as to
15 accomplish the purposes in section 266.42, subsection
16 1.

17 b. The cost-share program shall allow for monetary
18 contributions from livestock producers and other
19 persons with an interest in livestock production. In
20 addition, a livestock producer participating in a
21 livestock odor mitigation research effort as provided
22 in sections 266.43 through 266.45 shall provide
23 in-kind contributions to participate in a research
24 effort which may include but are not limited to
25 furnishing the livestock producer's own labor,
26 construction equipment, electricity and other utility
27 costs, insurance, real property tax payments, and
28 basic construction materials that may be reused or
29 continued to be used by the livestock producer after
30 the completion of the research effort.

31 2. This section does not apply to a livestock

32 producer who is required to contribute one hundred
 33 percent of the total costs of conducting a research
 34 project."

35 7. Page 5, line 30, by striking the figure
 36 "266.48" and inserting the following: "266.49".

37 8. Page 7, line 29, by striking the figure
 38 "266.48" and inserting the following: "266.49".

39 9. Page 8, line 10, by striking the word "thirty"
 40 and inserting the following: "forty-five".

41 10. Page 8, line 12, by striking the figure
 42 "266.48" and inserting the following: "266.49".

43 11. Page 8, line 13, by inserting after the word
 44 "application" the following: "is".

45 12. Page 8, line 19, by striking the figure
 46 "266.48" and inserting the following: "266.49".

47 13. Page 8, line 32, by striking the words
 48 "appropriated by the general assembly".

49 14. By renumbering, relettering, or redesignating
 50 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8653](#).

Reichert of Muscatine 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. 2688](#))

The ayes were, 69:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Boal	Chambers
Clute	Cohoon	Dandekar	Davitt
De Boef	Deyoe	Dolecheck	Drake
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Huseman	Jacobs	Kaufmann
Kelley	Lukan	Lykam	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, S.	Palmer	Paulsen	Pettengill
Quirk	Rants	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Soderberg	Staed
Struyk	Swaim	Thomas	Tomenga
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Whitead	Wiencek
Windschitl	Wise	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 28:

Abdul-Samad	Berry	Bukta	Foege
Ford	Frevert	Gaskill	Hunter
Huser	Jacoby	Jochum	Kressig
Kuhn	Lensing	Mascher	May
Olson, D.	Olson, R.	Olson, T.	Petersen
Raecker	Smith	Taylor, D.	Taylor, T.
Tjepkes	Wessel-Kroeschell	Whitaker	Winckler

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2688](#) be immediately messaged to the Senate.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

[Senate File 2430](#), a bill for an act relating to economic development by creating a community microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2008.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [Senate File 2430](#).

Appropriations Calendar

Senate File 2430, a bill for an act relating to economic development by creating a community microenterprise development organization grant program, a microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Jacoby of Johnson 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. 2430**)

The ayes were, 71:

Abdul-Samad	Anderson	Bailey	Baudler
Bell	Berry	Bukta	Clute
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Heaton	Heddens
Hoffman	Hunter	Huser	Jacobs
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schickel
Schueller	Shomshor	Smith	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tomenga	Tymeson	Van Fossen
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Wise
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 26:

Alons	Arnold	Boal	Chambers
De Boef	Deyoe	Dolecheck	Drake
Grassley	Greiner	Horbach	Huseman
Kaufmann	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Soderberg	Tjepkes	Van Engelenhoven
Watts	Windschittl		

Absent or not voting, 3:

Forristall

Roberts

Upmeyer

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that the following bill be immediately messaged to the [Senate File 2430](#).

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House File 2700](#).

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

[H.S.B. 797](#) Appropriations

Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly [House Study Bill 797](#)), relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2008.

House File 2700, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions, was taken up for consideration.

Rants of Woodbury offered the following amendment **H-8673** filed by him from the floor and moved its adoption:

H-8673

- 1 Amend **House File 2700** as follows:
- 2 1. Page 6, by striking lines 1 through 17.
- 3 2. Page 7, line 1, by striking the words "AND
- 4 APPLICABILITY DATES" and inserting the following:
- 5 "DATE".
- 6 3. Page 7, line 2, by striking the figure "1."
- 7 4. Page 7, by striking lines 5 through 8.

Roll call was requested by Rants of Woodbury and Greiner of Washington.

On the question "Shall amendment **H-8673** be adopted?" (**H.F. 2700**)

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Foege
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Van Engelenhoven	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Ford	Frevort	Gaskill	Gayman

Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 3:

Forristall	Roberts	Upmeyer
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Amendment [H-8673](#) lost.

Wiencek of Black Hawk offered the following amendment [H-8666](#) filed by her from the floor and moved its adoption:

[H-8666](#)

- 1 Amend [House File 2700](#) as follows:
- 2 1. Page 15, line 10, by inserting after the word
- 3 "allocated" the following: "in an amount of not less
- 4 than forty-one million dollars".

Roll call was requested by Wiencek of Black Hawk and Boal of Polk.

On the question "Shall amendment [H-8666](#) be adopted?" ([H.F. 2700](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Berry	Boal	Chambers	Clute
De Boef	Deyoe	Dolecheck	Drake
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Kelley	Kressig
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Van Engelenhoven	Van Fossen	Watts
Wiencek	Windschitl	Worthan	

The nays were, 50:

Abdul-Samad	Bailey	Bell	Bukta
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 3:

Forristall	Roberts	Upmeyer
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Amendment [H-8666](#) lost.

Thomas of Clayton offered the following amendment [H-8687](#) filed by him from the floor and moved its adoption:

[H-8687](#)

- 1 Amend [House File 2700](#) as follows:
- 2 1. Page 18, by inserting after line 4 the
- 3 following:
- 4 "Sec.____. Section 15F.204, subsection 5,
- 5 unnumbered paragraph 1, Code 2007, is amended to read
- 6 as follows:
- 7 At the beginning of each fiscal year, the board
- 8 shall allocate one hundred thousand dollars for
- 9 purposes of marketing those projects that are
- 10 receiving moneys from the fund. After the marketing
- 11 allocation, the board shall allocate all remaining
- 12 moneys in the fund in the following manner:"
- 13 2. By renumbering as necessary.

Amendment [H-8687](#) was adopted.

Raecker of Polk asked and received unanimous consent that amendment [H-8679](#) be deferred.

Gayman of Scott offered the following amendment [H-8697](#) filed by her from the floor and moved its adoption:

[H-8697](#)

1 Amend [House File 2700](#) as follows:

2 1. Page 20, by inserting after line 12 the
3 following:

4 "Sec. ____ Section 39A.5, subsection 1, paragraph
5 b, Code Supplement 2007, is amended by adding the
6 following new subparagraph:

7 NEW SUBPARAGRAPH. (4) As an employer, denying an
8 employee the privilege conferred by section 43.4A to
9 attend a precinct caucus, or subjecting an employee to
10 a penalty because of the exercise of that privilege.

11 Sec. ____ NEW SECTION. 43.4A EMPLOYEES ENTITLED
12 TO TIME TO PARTICIPATE IN PRESIDENTIAL PRECINCT
13 CAUCUSES.

14 1. Any person entitled to participate in a
15 precinct caucus held as part of the presidential
16 nominating process in this state who is required to be
17 present at work for an employer during the four-hour
18 period starting one hour prior to the time the
19 precinct caucus starts is entitled to take unpaid
20 leave for as much of that four-hour period as is
21 necessary to participate in the precinct caucus except
22 as provided by this section. Application by any
23 employee for such absence shall be made to the
24 employee's employer individually and in writing at
25 least fourteen days prior to the time the precinct
26 caucus is scheduled to start. The employee shall not
27 be liable for any loss of wages or salary or any other
28 penalty except for the loss of wages or salary for the
29 hours of unpaid leave actually used.

30 2. a. An application for an absence by an
31 employee may be denied by an employer if all the
32 following circumstances exist:

33 (1) The person is employed in an emergency
34 services position which shall include peace officer,
35 fire fighter, emergency medical personnel, and any
36 other position that seriously affects public health or
37 safety, or is employed by an entity that would
38 experience severe economic or operational disruption
39 due to the person's absence.

40 (2) The employer filed a written notice with the
41 commissioner at least seven days prior to the date of
42 the precinct caucus specifying exigent circumstances
43 justifying the denial of such leave for personnel
44 described in subparagraph (1) and declaring the
45 minimum number of such personnel, by position, needed
46 to protect public health and safety or maintain
47 minimum operational capacity, as applicable. A copy
48 of this written notice shall be provided to employees
49 of the employer.

50 (3) The number of persons employed in a position
Page 2

1 that did not apply for an absence is less than the
2 minimum number of persons in that position needed by
3 the employer to protect public health and safety or
4 maintain minimum operational capacity, as applicable.
5 b. If the circumstances in paragraph "a" exist as
6 to a particular position of the employer, then the
7 employer may deny the minimum number of employees
8 applying for an absence in that position needed to
9 yield the minimum staffing level for that position as
10 specified in the written notice to the commissioner.
11 The selection of which employees applying for an
12 absence shall be denied shall be made without regard
13 to political party affiliation, political belief, or
14 affiliation with or support for any candidate, or for
15 any of the grounds for which employment discrimination
16 is prohibited in this state.
17 3. An employer may, in lieu of providing unpaid
18 leave to affected employees to attend a presidential
19 precinct caucus, do any of the following:
20 a. Authorize paid leave to all affected employees.
21 b. Allow all affected employees the option to work
22 additional compensatory hours, at a time designated by
23 the employer not in conflict with the time needed for
24 caucus participation, equal in number to the number of
25 hours taken to participate in the presidential
26 precinct caucus. The option of working compensatory
27 hours may be exercised individually by each employee.
28 Work done during the compensatory hours shall be
29 compensated in the same manner as work during regular
30 hours."

Paulsen of Linn rose on a point of order that amendment [H-8697](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8697](#) not germane.

McCarthy of Polk asked for unanimous consent to suspend the rules to consider amendment [H-8697](#).

Objection was raised.

McCarthy of Polk moved to suspend the rules to consider amendment [H-8697](#).

A non-record roll call was requested.

The ayes were 51, nays 44.

The motion prevailed and the rules were suspended.

The House stood at ease at 12:30 a.m., until the fall of the gavel.

The House resumed session at 1:43 a.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent to withdraw amendment [H-8697](#) filed by Gayman of Scott from the floor.

McCarthy of Polk asked and received unanimous consent that [House File 2700](#) be deferred and that the bill retain its place on the calendar.

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 24, 2008, adopted the second conference committee report and passed [Senate File 2425](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Also: That the Senate has on April 24, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2432](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

[Senate File 2432](#), by committee on appropriations, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment

for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions.

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

CONFERENCE COMMITTEE REPORT RECEIVED

[\(Senate File 2425\)](#)

The second conference committee report signed by the following Senate and House members was filed April 24, 2008, on [Senate File 2425](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

ON THE PART OF THE SENATE:

HATCH, Chair

BOLKCOM

RAGAN

ON THE PART OF THE HOUSE:

FOEGE, Chair

GAYMAN

SMITH

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 24th day of April 2008: House Files 2310, 2450, 2555, 2651 and 2653.

MARK W. BRANDSGARD

Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 24, 2008, he approved and transmitted to the Secretary of State the following bill:

[Senate File 2427](#), an Act prohibiting certain lobbying activities of state agencies and providing a penalty.

CERTIFICATES OF RECOGNITION

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

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|--|
| 2008\3029 | Elsie Schnoor, Denison – For celebrating her 90 th birthday |
| 2008\3030 | Roger Albert, Vinton – For celebrating his 80 th birthday. |
| 2008\3031 | Dorothy Woodhouse, Vinton – For celebrating her 90 th birthday. |
| 2008\3032 | Kenneth and Elmira Bevins, Belle Plaine – For celebrating their 50 th wedding anniversary. |
| 2008\3033 | Delmer and Kathryn Brunssen, Elberon – For celebrating their 60 th wedding anniversary. |
| 2008\3034 | Rex and Eleanor Strait, Keosauqua – For celebrating their 67 th anniversary. |
| 2008\3035 | Carl and Margaret Berg, Fairfield – For celebrating their 50 th anniversary. |
| 2008\3036 | Lorna Wesley, Lockridge– For celebrating her 80 th birthday. |
| 2008\3037 | George and Lorna Wesley, Lockridge – For celebrating their 60 th wedding anniversary. |
| 2008\3038 | Carolyn Paustian, Walcott – For celebrating her 80 th birthday. |
| 2008\3039 | Donna Wilson, Independence – For celebrating her 80 th birthday. |
| 2008\3040 | Patricia and Larry Cirkel, Robins – For celebrating their 50 th wedding anniversary. |
| 2008\3041 | Dot Chmelik, Tama – For her 29 years of service to Carrington Place. |
| 2008\3042 | Kenneth and Elli Bevins, Belle Plaine – For celebrating their 50 th wedding anniversary. |
| 2008\3043 | Joe Mueting, Spencer High School – For being named the 2008 Iowa Secondary Principal of the Year by the School Administrators of Iowa. |

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.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

[Senate File 2426](#), a bill for an act relating to the judicial branch including the assessment and collection of fees and fines, filings and records kept by the clerk of the district court, the regulation and certification of shorthand reporters, making appropriations to offset costs, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2008.

Committee Bill (Formerly LSB 5009HC), relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2008.

RESOLUTION FILED

[HR 160](#), by Wessel-Kroeschell, Wendt, Gaskill, Hunter, Smith, Winckler, Lensing, Ford, Reasoner, Wise, T. Olson, Zirkelbach, Staed, Palmer, Abdul-Samad, Wenthe, Bailey, Kelley, Thomas, Schueller, Davitt, Reichert, Petersen, Cohoon, Bell, T. Taylor, Jochum, Heddens, Kressig, D. Olson and Mertz, a resolution honoring the accomplishments of Iowa State University women's basketball head coach Bill Fennelly, associate head coach Jack Easley, assistant coaches Latoja Schaben and Jodi Steyer, director of basketball operations Michele Roberts, graduate assistant coach Molly Parrott, and the 2007-2008 Cyclones.

Laid over under **Rule 25**.

AMENDMENTS FILED

<u>H-8659</u>	<u>S.F.</u>	<u>2421</u>	Winckler of Scott Lykam of Scott Gayman of Scott
<u>H-8664</u>	<u>H.F.</u>	<u>2687</u>	Senate Amendment
<u>H-8665</u>	<u>H.F.</u>	<u>2700</u>	Van Fossen of Scott
<u>H-8667</u>	<u>H.F.</u>	<u>2700</u>	May of Dickinson
<u>H-8668</u>	<u>H.F.</u>	<u>2700</u>	Van Fossen of Scott
<u>H-8669</u>	<u>H.F.</u>	<u>2700</u>	Watts of Dallas
<u>H-8670</u>	<u>H.F.</u>	<u>2700</u>	Sands of Louisa
<u>H-8671</u>	<u>H.F.</u>	<u>2700</u>	Gipp of Winneshiek
<u>H-8672</u>	<u>H.F.</u>	<u>2700</u>	Rants of Woodbury
<u>H-8674</u>	<u>H.F.</u>	<u>2700</u>	Baudler of Adair
<u>H-8675</u>	<u>H.F.</u>	<u>2700</u>	Alons of Sioux
<u>H-8676</u>	<u>H.F.</u>	<u>2700</u>	Wise of Lee
<u>H-8678</u>	<u>H.F.</u>	<u>2700</u>	Wenthe of Fayette
<u>H-8679</u>	<u>H.F.</u>	<u>2700</u>	Rants of Woodbury
<u>H-8680</u>	<u>H.F.</u>	<u>2700</u>	Tymeson of Madison Paulsen of Linn Windschitl of Harrison
<u>H-8681</u>	<u>H.F.</u>	<u>2700</u>	Frevert of Palo Alto
<u>H-8682</u>	<u>H.F.</u>	<u>2700</u>	Horbach of Tama
<u>H-8685</u>	<u>H.F.</u>	<u>2700</u>	Thomas of Clayton
<u>H-8686</u>	<u>H.F.</u>	<u>2700</u>	Frevert of Palo Alto
<u>H-8688</u>	<u>H.F.</u>	<u>2700</u>	Chambers of O'Brien
<u>H-8689</u>	<u>H.F.</u>	<u>2700</u>	Reichert of Muscatine
<u>H-8690</u>	<u>H.F.</u>	<u>2700</u>	Thomas of Clayton
<u>H-8691</u>	<u>H.F.</u>	<u>2700</u>	Hoffman of Crawford
<u>H-8692</u>	<u>H.F.</u>	<u>2700</u>	Bell of Jasper
<u>H-8693</u>	<u>H.F.</u>	<u>2700</u>	Bell of Jasper
<u>H-8694</u>	<u>H.F.</u>	<u>2700</u>	Dolecheck of Ringgold Wendt of Woodbury
<u>H-8695</u>	<u>H.F.</u>	<u>2700</u>	Gayman of Scott Bailey of Hamilton Palmer of Mahaska Reichert of Muscatine
			Staed of Linn Wenthe of Fayette Kelley of Black Hawk Kressig of Black Hawk
<u>H-8696</u>	<u>H.F.</u>	<u>2700</u>	Quirk of Chickasaw
<u>H-8698</u>	<u>H.F.</u>	<u>2700</u>	Baudler of Adair
<u>H-8699</u>	<u>H.F.</u>	<u>2700</u>	Shomshor of Pottawattamie

<u>H-8700</u>	<u>H.F.</u>	<u>2700</u>	Huser of Polk
<u>H-8701</u>	<u>H.F.</u>	<u>2700</u>	Swaim of Davis
<u>H-8702</u>	<u>H.F.</u>	<u>2700</u>	Arnold of Lucas
<u>H-8703</u>	<u>H.F.</u>	<u>2700</u>	R. Olson of Polk
<u>H-8704</u>	<u>H.F.</u>	<u>2700</u>	Wendt of Woodbury
<u>H-8705</u>	<u>H.F.</u>	<u>2700</u>	Baudler of Adair
<u>H-8706</u>	<u>H.F.</u>	<u>2700</u>	Rants of Woodbury
<u>H-8707</u>	<u>H.F.</u>	<u>2700</u>	Paulsen of Linn
<u>H-8708</u>	<u>H.F.</u>	<u>2700</u>	Smith of Marshall
<u>H-8709</u>	<u>H.F.</u>	<u>2700</u>	Struyk of Pottawattamie
			Oldson of Polk
			Mascher of Johnson
			Rants of Woodbury
<u>H-8710</u>	<u>H.F.</u>	<u>2700</u>	Shomshor of Pottawattamie
			Huser of Polk
<u>H-8711</u>	<u>H.F.</u>	<u>2700</u>	Huser of Polk
<u>H-8712</u>	<u>H.F.</u>	<u>2700</u>	Baudler of Adair
			R. Olson of Polk

On motion by McCarthy of Polk the House adjourned at 1:45 a.m., until 9:00 a.m., Friday, April 25, 2008.