STATE OF IOWA

House Journal

FRIDAY, APRIL 25, 2008

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the office of the Chief Clerk. (The official bound copy will be available after a reasonable time upon adjournment.)
The House met pursuant to adjournment at 9:05 a.m., Reasoner of Union in the chair.

Prayer was offered by the honorable Vicki Lensing, state representative from Johnson County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Coleen McRae, legislative secretary to Representative Vicki Lensing of Johnson County.

The Journal of Thursday, April 24, 2008 was approved.

LEAVE OF ABSENCE

Leave of absence were granted as follows:

Arnold of Lucas and Horbach of Tama, until their arrival on request of Gipp of Winneshiek; Roberts of Carroll, Upmeyer of Hancock and Tomenga of Polk on request of Kaufmann of Cedar.

CONSIDERATION OF BILLS

Appropriations Calendar

The House resumed consideration of 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, previously deferred. Found on pages 1853 through 1860 of the April 24, 2008 House Journal.
Frevert of Palo Alto offered the following amendment H–8686 filed by her and moved its adoption:

H–8686

Amend House File 2700 as follows:
1. Page 21, by inserting after line 14 the following:

"Sec. __. Section 97A.10, Code 2007, is amended to read as follows:

97A.10 PURCHASE OF ELIGIBLE SERVICE CREDIT.
1. For purposes of this section:
   a. "Eligible qualified service" means as follows:
      (1) Service with the department prior to July 1, 1994, in a position as a gaming enforcement officer, fire prevention inspector, peace officer, or as an employee of the division of capital police except clerical workers.
      (2) Service as a member of a city fire retirement system or police retirement system operating under chapter 411 prior to January 1, 1992, for which service was not eligible to be transferred to this system pursuant to section 97A.17.
      Eligible qualified service under this paragraph "a" does not include service if the receipt of credit for such service would result in the member receiving a retirement benefit under more than one retirement plan for the same period of service.
   b. "Permissive service credit" means credit that will be recognized by the retirement system for purposes of calculating a member’s benefit, for which the member did not previously receive service credit in the retirement system, and for which the member voluntarily contributes to the retirement system the amount required by the retirement system, not in excess of the amount necessary to fund the benefit attributable to such service.
2. An active member of the system may make contributions to the system to purchase up to the maximum amount of permissive service credit for eligible qualified service as determined by the system, pursuant to Internal Revenue Code section 415(n) and the requirements of this section. A member seeking to purchase permissive service credit pursuant to this section shall file a written application along with appropriate documentation with the department by July 1, 2007.
3. A member making contributions for a purchase of permissive service credit for eligible qualified service under this section shall make contributions in an amount equal to the actuarial cost of the permissive service credit purchase, less an amount
equal to the member's contributions under chapter 411 for the period of eligible qualified service together with interest at a rate determined by the board of trustees. For purposes of this subsection, the actuarial cost of the permissive service credit purchase is an amount determined by the system in accordance with actuarial tables, as reported to the system by the system's actuary, which reflects the actuarial cost necessary to fund an increased retirement allowance resulting from the purchase of permissive service credit."

Page 2

2. Page 40, by inserting after line 11 the following:

"Sec. 1. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM – ADDITIONAL APPROPRIATION FOR PURCHASE OF SERVICE. If section 97A.10 is amended by the 2008 Session of the Eighty-second General Assembly to provide for the purchase of eligible service credit on and after July 1, 2008, there shall be appropriated from the general fund of the state to the retirement fund described in section 97A.8 an amount equal to that portion of the actuarial cost of the permissive service credit purchase for eligible service credit that is not required to be contributed by a member making contributions to the system for that purchase."

3. By renumbering as necessary.

Amendment H–8686 was adopted.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H–8690 filed by him on April 24, 2008.

Hoffman of Crawford asked and received unanimous consent that amendment H–8691 be deferred.

Quirk of Chickasaw asked and received unanimous consent that amendment H–8696 be deferred.

Oldson of Polk offered the following amendment H–8708 filed by her and moved its adoption,

H–8708

1. Amend House File 2700 as follows:

Page 21, by inserting after line 14 the following:
"Sec. ___. Section 135.63, subsection 2, paragraph 1, Code 2007, is amended to read as follows:

1. The replacement or modernization of any institutional health facility if the replacement or modernization does not add new health services or additional bed capacity for existing health services, notwithstanding any provision in this division to the contrary. With reference to a hospital, "replacement" means establishing a new hospital that demonstrates compliance with all of the following criteria through evidence submitted to the department:

   (1) Is designated as a critical access hospital pursuant to 42 U.S.C. § 1395i-4.
   (2) Serves at least seventy-five percent of the same service area that was served by the prior hospital to be closed and replaced by the new hospital.
   (3) Provides at least seventy-five percent of the same services that were provided by the prior hospital to be closed and replaced by the new hospital.
   (4) Is staffed by at least seventy-five percent of the same staff, including medical staff, contracted staff, and employees, as constituted the staff of the prior hospital to be closed and replaced by the new hospital.

2. Page 21, line 22, by striking the words "one thousand" and inserting the following: "five hundred".

3. Page 21, line 24, by inserting after the word "department." the following: "The annual licensure fee shall be dedicated to support and provide educational programs on regulatory issues for hospitals licensed under this chapter in consultation with the hospital licensing board."

4. Page 22, by striking lines 1 through 35 and inserting the following:

   "Sec. ___. Section 135B.10, Code 2007, is amended to read as follows:

   135B.10 HOSPITAL LICENSING BOARD. The governor shall appoint five six individuals who possess recognized ability in the field of hospital administration, to serve as the hospital licensing board within the department. Five members shall possess recognized ability in the field of hospital administration and one member shall be a member of the general public."


Amendment H–8708 was adopted, placing out of order amendment H–8691, previously deferred, filed by Hoffman of Crawford on April 24, 2008.
Mascher of Johnson offered the following amendment H–8709 filed by her and Rants of Woodbury and moved its adoption:

H–8709

1 Amendment House File 2700 as follows:
2 1. Page 24, by inserting after line 5 the following:
3 "Sec. 1. Section 216A.162, subsection 2, if enacted by 2008 Iowa Acts, Senate File 2400, is amended to read as follows:
4 2. The purpose of the commission shall be to work in concert with tribal governments, Native American groups, and Native American persons in his state to advance the interests of tribal governments and Native American persons in the areas of human rights, access to justice, economic equality, and the elimination of discrimination.
5 Sec. 2. Section 216A.162, subsection 3, paragraph a, if enacted by 2008 Iowa Acts, Senate File 2400, is amended to read as follows:
6 a. Seven public members appointed in compliance with sections 69.16 and 69.16A who shall be appointed with consideration given to the geographic residence of the member and the population density of Native 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".
7 Sec. 3. Section 216A.165, if enacted by 2008 Iowa Acts, Senate File 2400, is amended to read as follows:
8 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:
9 1. Advise the governor and the general assembly on issues confronting tribal governments and Native American persons in this state.
10 2. Promote legislation beneficial to tribal governments and Native American persons in this state.
11 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 Americans in the state's
workforce.
4. Serve as a conduit to state government for
Native American persons Americans in this state.
5. Serve as an advocate for Native American persons Americans
and a referral agency to assist Native American persons Americans in securing access
to justice and 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 Americans in this state.
7. Conduct studies, make recommendations, and
implement programs designed to solve the problems of
Native American persons Americans 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 Americans 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 Americans.
Sec. ___. Section 216A.166, if enacted by 2008
Iowa Acts, Senate File 2400, is amended to read as
follows:
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 Americans. 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 Americans."
2. By renumbering as necessary.

Amendment H–8709 was adopted.

Van Fossen of Scott offered the following amendment H–8665 filed
by him and moved its adoption:
H–8665

Amend House File 2700 as follows:

Page 24, by striking lines 7 through 9 and inserting the following:

"It is the goal of the state of Iowa that every employee of a public school corporation be provided with a competitive living wage which does not result in any increase in individual or corporate income tax rates, sales or use tax rates, or property taxes, including but not limited to new levies or increased levy rates."

Roll call was requested by Van Fossen of Scott and Raecker of Polk.

Rule 75 was invoked.

On the question "Shall amendment H–8665 be adopted?" (H.F. 2700)

The ayes were, 42:


The nays were, 51:

Abdul-Samad, Bailey, Bell, Berry, Bukta, Cohoon, Dandekar, Foege, Ford, Frevert, Gaskill, Gayman, Heddens, Hunter, 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
Amendment **H–8665** lost.

Rants of Woodbury offered the following amendment **H–8672** filed by him and moved its adoption:

**H–8672**

1. Amend House File 2700 as follows:

2. Page 24, by striking lines 10 through 33.

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question "Shall amendment **H–8672** be adopted?" (H.F. 2700)

The ayes were, 45:

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

The nays were, 50:

Abdul-Samad  Bailey         Bell           Berry
Bukta        Cohoon         Dandekar      Davitt
Foege         Ford          Frevert        Gaskill
Gayman       Heddens        Hunter         Jacoby
Jochum        Kelley        Kressig        Kuhn
Lensing      Lykam          Mascher        McCarthy
Miller, H.   Murphy, Spkr.  Oldson         Olson, D.
Amendment H–8672 lost.

Heaton of Henry offered amendment H–8700 filed by Arnold of Lucas as follows:

H–8700

1 Amend House File 2700 as follows:
2 1. Page 25, by inserting after line 17 the
3 following:
4 "Sec. __. Section 331.325, subsection 1, Code
5 2007, is amended to read as follows:
6 1. As used in this section, "pioneer cemetery"
7 means a cemetery where there have been six, twelve or
8 fewer burials in the preceding fifty years."
9 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment H–8700 was not germane.

The Speaker ruled the point well taken and amendment H–8700 not germane.

Van Fossen of Scott offered amendment H–8668 filed by him as follows:

H–8668

1 Amend House File 2700 as follows:
2 1. Page 26, by inserting after line 1 the
3 following:
4 "Sec. __. Section 423.3, subsection 78,
5 unnumbered paragraph 2, Code Supplement 2007, is
6 amended to read as follows:
7 This exemption does not apply to the sales price
from games of skill, games of chance, raffles, and
bingo games as defined in chapter 99B. However, this exemption applies to the sales price from raffles held by public elementary schools in the state. This exemption is disallowed on the amount of the sales price only to the extent the profits from the sales, rental, or services are not used by or donated to the appropriate entity and expended for educational, religious, or charitable purposes."

2. Page 41, by inserting before line 27 the following:
"Sec. ___. EFFECTIVE DATE. The section of this division of this Act amending section 423.3, subsection 78, being deemed of immediate importance, takes effect upon enactment."

Oldson of Polk rose on a point of order that amendment H–8668 was not germane.

The Speaker ruled the point well taken and amendment H–8668 not germane.

Van Fossen of Scott moved to suspend the rules to consider amendment H–8668.

Roll call was requested by Van Fossen of Scott and Raecker of Polk.

On the question "Shall the rules be suspended to consider amendment H–8668?" (H.F. 2700)

The ayes were, 43:

Alons    Anderson    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    Struyk
Sands    Schickel     Soderberg Tjepkes
Tymeson  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
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 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, 6:

Arnold Gayman Murphy, Spkr. Roberts
Tomenga Upmeyer

The motion to suspend the rules lost.

Sands of Louisa offered amendment H–8670 filed by him as follows:

H–8670

1 Amend House File 2700 as follows:
2 1. Page 26, by inserting after line 1 the
3 following:
4 "Sec.____.  NEW SECTION.  422.72A  SUSPECTED MISUSE
5 OF PERSONAL INFORMATION – NOTICE REQUIRED.
6 1. For the purposes of this section, the following
7 definitions apply:
8 a. "Affected individual" means an individual who
9 is identified by or connected with personal
10 information contained in the department’s records.
11 b. "Personal information" means all of the
12 following:
13  (1) Social security number.
14  (2) Tax identification number.
15  (3) Driver’s license number or other unique
16 identification number created or collected by a
17 government body.
18  (4) Financial account number, credit card number,
19 or debit card number in combination with any required
20 security code, access code, or password that would
21 permit access to an individual’s financial account.
22  (5) Unique electronic identifier or routing code,
23 in combination with any required security code, access
“Suspected misuse of personal information” means circumstances exist which would cause a reasonable person to believe that an individual’s personal information is being used by an unauthorized individual. Such circumstances include but are not limited to either of the following:

1. A tax identification number under which wages are being reported by two or more individuals.

2. A tax identification number of an individual under the age of sixteen with reported wages exceeding one thousand dollars for a single quarterly period.

 Unless otherwise prohibited by state or federal law, the department shall provide notice to each affected individual if department records indicate a suspected misuse of personal information. Notice shall be made without unreasonable delay. If the affected individual is a minor, notice shall be provided to the minor’s parent or guardian.

Notice of the suspected misuse of personal information shall also be provided to an appropriate law enforcement agency.

Notice provided to an affected individual shall be clear and conspicuous and be provided by at least one of the following:

1. Written notice to the affected individual's last address of record.

2. Electronic mail notice, if the affected individual has agreed to receive communications electronically.

3. Telephonic notice, if the communication is made directly with the affected individual.”

Oldson of Polk rose on a point of order that amendment H–8670 was not germane.

The Speaker ruled the point well taken and amendment H–8670 not germane.

Sands of Louisa moved to suspend the rules to consider amendment H–8670.

Roll call was requested by Sands of Louisa and Raecker of Polk.

On the question “Shall the rules be suspended to consider amendment H–8670?” (H.F. 2700)
The ayes were, 45:

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

The nays were, 50:

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

Absent or not voting, 5:

Arnold  Jacoby  Roberts  Tomenga
Van Engelenhoven

The motion to suspend the rules lost.

Gipp of Winneshiek offered amendment H–8671 filed by him as follows:

H–8671

1  Amend House File 2700 as follows:
2    1.  Page 26, by inserting after line 1 the
3      following:
4    "Sec.__.  NEW SECTION.  422.11V CHARITABLE
CONSERVATION CONTRIBUTION TAX CREDIT.

1. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a charitable conservation contribution tax credit equal to fifty percent of the fair market value of a qualified real property interest located in the state that is conveyed as an unconditional charitable donation in perpetuity by the taxpayer to a qualified organization exclusively for conservation purposes. The maximum amount of tax credit is one hundred thousand dollars. The amount of the contribution for which the tax credit is claimed shall not be deductible in determining taxable income for state tax purposes.

2. For purposes of this section, "conservation purpose", "qualified organization", and "qualified real property interest" mean the same as defined for the qualified conservation contribution under section 170(h) of the Internal Revenue Code, except that a conveyance of land for open space for the purpose of fulfilling density requirements to obtain subdivision or building permits shall not be considered a conveyance for a conservation purpose.

3. Any credit in excess of the tax liability is not refundable but the excess for the tax year may be credited to the tax liability for the following twenty tax years or until depleted, whichever is the earlier.

4. An individual may claim the tax credit allowed a partnership, limited liability company, S corporation, estate, or trust electing to have the income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, limited liability company, S corporation, estate, or trust.

Sec. ___. Section 422.33, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 25. a. The taxes imposed under this division shall be reduced by a charitable conservation contribution tax credit equal to fifty percent of the fair market value of a qualified real property interest located in the state that is conveyed as an unconditional charitable donation in perpetuity by the taxpayer to a qualified organization exclusively for conservation purposes. The maximum amount of tax credit is one hundred thousand dollars.
determining taxable income for state tax purposes.

b. For purposes of this section, "conservation purpose", "qualified organization", and "qualified real property interest" mean the same as defined for the qualified conservation contribution under section 170(h) of the Internal Revenue Code, except that a conveyance of land for open space for the purpose of fulfilling density requirements to obtain subdivision or building permits shall not be considered a conveyance for a conservation purpose.

c. Any credit in excess of the tax liability is not refundable but the excess for the tax year may be credited to the tax liability for the following twenty tax years or until depleted, whichever is the earlier."

2. Page 41, by inserting after line 27 the following:

"Sec. 2. RETROACTIVE APPLICABILITY DATE. The sections of this division of this Act enacting section 422.11V and section 422.33, subsection 25, apply retroactively to January 1, 2008, for tax years beginning on or after that date."

Oldson of Polk rose on a point of order that amendment H–8671 was not germane.

The Speaker ruled the point well taken and amendment H–8671 not germane.

Bell of Jasper asked and received unanimous consent to withdraw amendment H–8693 filed by him on April 24, 2008.

Paulsen of Linn offered amendment H–8705 filed by him as follows:

H–8705

Amend House File 2700 as follows:

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

"Sec. 25A. The sales price of food, beverages, and other tangible personal property when sold at concession stands by nonprofit youth sports organizations."

2. Page 41, by inserting before line 9 the following:
"Sec. 12. REFUNDS. Refunds of taxes, interest, or penalties which arise from claims resulting from the enactment of section 423.3, subsection 25A, by this division of this Act, for the sale of food, beverages, and other tangible personal property at concession stands occurring between July 1, 1998, and the effective date of the enactment of section 423.3, subsection 25A, shall be limited to fifty thousand dollars in the aggregate and shall not be allowed unless refund claims are filed prior to October 1, 2008, notwithstanding any other provision of law. If the amount of claims totals more than fifty thousand dollars in the aggregate, the department of revenue shall prorate the fifty thousand dollars among all claimants in relation to the amounts of the claimants' valid claims.

"Sec. 13. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. The section of this division of this Act enacting section 423.3, subsection 25A, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1998."

Oldson of Polk rose on a point of order that amendment H–8705 was not germane.

The Speaker ruled the point well taken and amendment H–8705 not germane.

Paulsen of Linn moved to suspend the rules to consider amendment H–8705.

Roll call was requested by Paulsen of Linn and Raecker of Polk.

On the question "Shall the rules be suspended to consider amendment H–8705?" (H.F. 2700)

The ayes were, 46:

Alons  Anderson  Baudler  Boal
Chambers  Clute  De Boef  Deyoe
Dolecheck  Drake  Forristall  Gayman
Gipp  Granzow  Grassley  Greiner
Heaton  Horbach  Huseman  Jacobs
Kaufmann  Lukan  May  Miller, L.
Olson, S.  Palmer  Paulsen  Pettengill
Raecker  Rants  Rasmussen  Rayhons
Sands  Schickel  Soderberg  Staed
Struyk  Tjepkes  Tymeson  Upmeyer
The nays were, 49:

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

Absent or not voting, 5:

Arnold    Hoffman    Roberts    Tomenga
Winckler

The motion to suspend the rules lost.

Speaker Murphy in the chair at 9:53 a.m.

Watts of Dallas offered amendment H–8669 filed by him as follows:

H–8669

1 Amend House File 2700 as follows:
2 1. Page 26, by inserting after line 18 the
3 following:
4 "Sec. . Section 423B.1, subsection 3, Code
5 Supplement 2007, is amended to read as follows:
6 3. A local option tax shall be imposed only after
7 an election at which a majority of those voting on the
8 question favors imposition and shall then be imposed
9 until repealed as provided in subsection 6, paragraph
10 "a." If the tax is a local vehicle tax imposed by a
11 county, it shall apply to all incorporated and
12 unincorporated areas of the county. If the tax is a
13 local sales and services tax imposed by a county, it
14 shall only apply to those incorporated areas and the
15 unincorporated area of that county in which a majority
16 of those voting in the area on the tax favors its
imposition. For purposes of the local sales and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favors its imposition. In the case of a local sales and services tax submitted to the registered voters of two or more contiguous counties as provided in subsection 4, paragraph "c", all cities contiguous to each other and where the boundaries overlap county lines shall be treated as part of one incorporated area, even if the corporate boundaries of one or more of the cities include areas of more than one county, and the tax shall be imposed in each of those contiguous cities only if a majority of those voting on the tax in the total area covered by the contiguous cities favored its imposition. For purposes of the local sales and services tax, a city is not contiguous to another city if the only road access between the two cities is through another state.

Sec. Sec. 423B.1, subsection 6, paragraph a, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

If a majority of those voting on the question of imposition of a local option tax favors imposition of a local option tax, the governing body of that county shall impose the tax at the rate specified for an unlimited period. However, in the case of a local sales and services tax, the county shall not impose the tax in any incorporated area or the unincorporated area if the majority of those voting on the tax in that area did not favor its imposition. For purposes of the local sales and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax shall be imposed in each of those contiguous cities only if the majority of those voting on the tax in the total area covered by the contiguous cities favored its imposition. In the case of a local sales and services tax submitted to the registered voters of two or more contiguous counties as provided in subsection 4, paragraph "c", all cities contiguous to each other and where the boundaries overlap county lines shall be treated as part of one incorporated area, even if the corporate boundaries of one or more of the cities include areas of more than one county, and the tax shall be imposed in each of those contiguous cities only if a majority
of those voting on the tax in the total area covered
by the contiguous cities favored its imposition.

Sec. 423B.5, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A local sales and services tax at the rate of not
more than one percent may be imposed by a county on
the sales price taxed by the state under chapter 423,
subchapter II. A local sales and services tax shall
be imposed on the same basis as the state sales and
services tax or in the case of the use of natural gas,
natural gas service, electricity, or electric service
on the same basis as the state use tax and shall not
be imposed on the sale of any property or on any
service not taxed by the state, except the tax shall
not be imposed on the sales price from the sale of
motor fuel or special fuel as defined in chapter 452A
which is consumed for highway use or in watercraft or
aircraft if the fuel tax is paid on the transaction
and a refund has not or will not be allowed, on the
sales price from the sale of equipment by the state
department of transportation, or on the sales price
from the sale or use of natural gas, natural gas
service, electricity, or electric service in a city or
county where the sales price from the sale of natural
gas or electric energy is subject to a franchise fee
or user fee during the period the franchise or user
fee is imposed. A local sales and services tax is
applicable to transactions within those incorporated
and unincorporated areas of the county where it is
imposed and shall be collected by all persons required
to collect state sales taxes. All cities contiguous
to each other shall be treated as part of one
incorporated area and the tax would be imposed in each
of those contiguous cities only if the majority of
those voting in the total area covered by the
contiguous cities favors its imposition. In the case

of a local sales and services tax submitted to the
registered voters of two or more contiguous counties
as provided in section 423B.1, subsection 4, paragraph
"c", all cities contiguous to each other and where the
boundaries overlap county lines shall be treated as
part of one incorporated area, even if the corporate
boundaries of one or more of the cities include areas
of more than one county, and the tax shall be imposed
in each of those contiguous cities only if a majority
of those voting on the tax in the total area covered
by the contiguous cities favored its imposition."
Oldson of Polk rose on a point of order that amendment H–8669 was not germane.

The Speaker ruled the point well taken and amendment H–8669 not germane.

Watts of Dallas moved to suspend the rules to consider amendment H–8669.

Roll call was requested by Watts of Dallas and Raecker of Polk.

On the question “Shall the rules be suspended to consider amendment H–8669?” (H.F. 2700)

The ayes were, 41:

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

The nays were, 49:

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

Absent or not voting, 10:

Arnold        Boal          Ford          Gayman
The motion to suspend the rules lost.

Dolecheck of Ringgold offered the following amendment H–8694 filed by him and Wendt of Woodbury and moved its adoption:

H–8694

Amend House File 2700 as follows:

1. By striking page 26, line 19, through page 27, line 2, and inserting the following:

"Sec. 423E.4, subsection 3, paragraph b, subparagraph (2), Code 2007, as amended by 2008 Iowa Acts, House File 2663, section 21, if enacted, is amended to read as follows:

(2) "Sales tax capacity per student" means for a school district the estimated amount of revenues that a school district would receive if a local sales and services tax for school infrastructure purposes was imposed at one percent in the county pursuant to section 423E.2, Code 2007, as computed in subsection 8, divided by the school district’s actual enrollment as determined in section 423E.3, subsection 5, paragraph "d".

Sec. 423E.4, subsection 3, paragraph b, subparagraph (3), Code 2007, as amended by 2008 Iowa Acts, House File 2663, section 22, if enacted, is amended to read as follows:

(3) "Statewide tax revenues per student" means the amount determined by estimating the total revenues that would be generated by a one percent local option sales and services tax for school infrastructure purposes if imposed by all the counties during the entire fiscal year, as computed in subsection 8, and dividing this estimated revenue amount by the sum of the combined actual enrollment for all counties as determined in section 423E.3, subsection 5, paragraph "d", subparagraph (2).

Sec. 423E.4, subsection 8, as enacted by 2008 Iowa Acts, House File 2663, section 25, if enacted, is amended by striking the subsection.

Sec. 423F.2, subsection 1, paragraph b, as enacted by 2008 Iowa Acts, House File 2663, section 28, if enacted, is amended to read as follows:

b. The increase in the state sales, services, and use taxes under chapter 423, subchapters II and III,
Amendment H–8694 was adopted.

Rants of Woodbury asked and received unanimous consent that amendment H–8707 be deferred.

Shomshor of Pottawattamie offered the following amendment H–8710 filed by him and Huser of Polk and moved its adoption:

H–8710

1. Amend House File 2700 as follows:
2. 1. By striking page 28, line 16, through page 29, line 7.

Amendment H–8710 was adopted, placing out of order amendment H–8707, previously deferred, filed by Struyk of Pottawattamie on April 24, 2008 and amendment H–8699 filed by Shomshor et al., on April 24, 2008.

May of Dickinson offered amendment H–8667 filed by him as follows:
H–8667

Amend House File 2700 as follows:

1. Page 30, by inserting after line 16 the following:

"Sec. 481A.122, subsection 2, Code 2007, is amended to read as follows:

2. A person, except for a licensed falconer, shall not hunt upland game birds, as defined by the department, unless the person is at the time wearing one or more of the following articles of visible, external apparel: A hat, cap, vest, coat, jacket, sweatshirt, sweater, shirt, or coveralls, the color and material of which shall be at least fifty percent solid blaze orange."

Oldson of Polk rose on a point of order that amendment H–8667 was not germane.

The Speaker ruled the point well taken and amendment H–8667 not germane.

Gayman of Scott offered the following amendment H–8695 filed by Gayman et al., and moved its adoption:

H–8695

Amendment H–8695 was adopted, placing out of order amendment H–8685 filed by Thomas of Clayton on April 24, 2008.

Alons of Sioux offered amendment H–8675 filed by him as follows:

H–8675

Amend House File 2700 as follows:

1. Page 34, by inserting after line 28 the following:

"Sec. 595.4, Code 2007, is amended to read as follows:

1. a. Previous to the issuance of any license to marry, the parties desiring the license shall sign and file a verified application with the county registrar
which application either may be mailed to the parties at their request or may be signed by them at the office of the county registrar in the county in which the license is to be issued.

b. The application shall include the social security number of each applicant and shall set forth at least one affidavit of some competent and disinterested person stating the facts as to age and qualification of the parties.

c. The application shall also include a statement by the parties under penalty of perjury, specifying one of the following:

(1) If either party resides in the state, the county in which the party resides and the length of such residence in the state and that the maintenance of the residence in the state has been in good faith and not for the primary purpose of obtaining a license to marry in this state.

(2) If neither party resides in the state, the state or other jurisdiction of residence of each party, and whether the parties intend to reside in this state following their marriage or intend to continue to reside in another state or other jurisdiction following their marriage.

d. Upon the filing of the application for a license to marry, the county registrar shall file the application in a record kept for that purpose and shall take all necessary steps to ensure the confidentiality of the social security number of each applicant.

e. All information included on an application may be provided as mutually agreed upon by the division of records and statistics and the child support recovery unit, including by automated exchange.

2. Upon receipt of a verified application, the county registrar may issue the license which shall not become valid until the expiration of three days after the date of issuance of the license. If the license has not been issued within six months from the date of the application, the application is void.

3. A license to marry may be validated prior to the expiration of three days from the date of issuance of the license in cases of emergency or extraordinary circumstances. An order authorizing the validation of a license may be granted by a judge of the district court under conditions of emergency or extraordinary circumstances upon application of the parties filed with the county registrar. No order may be granted
unless the parties have filed an application for a marriage license in a county within the judicial district. An application for an order shall be made on forms furnished by the county registrar at the same time the application for the license to marry is made. After examining the application for the marriage license and issuing the license, the county registrar shall refer the parties to a judge of the district court for action on the application for an order authorizing the validation of a marriage license prior to expiration of three days from the date of issuance of the license. The judge shall, if satisfied as to the existence of an emergency or extraordinary circumstances, grant an order authorizing the validation of a license to marry prior to the expiration of three days from the date of issuance of the license to marry. The county registrar shall validate a license to marry upon presentation by the parties of the order authorizing a license to be validated. A fee of five dollars shall be paid to the county registrar at the time the application for the order is made, which fee is in addition to the fee prescribed by law for the issuance of a marriage license.

Sec. ___. Section 595.9, Code 2007, is amended to read as follows:

595.9 VIOLATIONS – PERJURY.

1. If a marriage is solemnized without procuring a license, the parties married, and all persons aiding them, are guilty of a simple misdemeanor.

2. If a party knowingly makes a false statement in an application for marriage regarding the residency of the parties, the parties married are guilty of perjury and shall be punished as provided in section 720.2.

Sec. ___. NEW SECTION. 595.21 NONRESIDENTS – MARRIAGE CONTRARY TO LAWS OF STATE OF RESIDENCE.

A marriage which is contracted in this state by a party residing and intending to continue to reside in another jurisdiction:

1. Is valid if such marriage would be valid if contracted in the other jurisdiction.

2. Is void if such marriage would not be valid if

Oldson of Polk rose on a point of order that amendment H–8675 was not germane.
The Speaker ruled the point well taken and amendment H–8675 not germane.

Alons of Sioux asked for unanimous consent to suspend the rules to consider amendment H–8675.

Objection was raised.

Alons of Sioux moved to suspend the rules to consider amendment H–8675.

Roll call was requested by Alons of Sioux and Tymeson of Madison. On the question “Shall the rules be suspended to consider amendment H–8675?” (H.F. 2700)

The ayes were, 39:

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The nays were, 51:

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<td>Murphy</td>
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Absent or not voting, 10:

| Arnold | Gayman | Granzow | Hoffman |
The motion to suspend the rules lost.

Bell of Jasper asked and received unanimous consent to withdraw amendment H–8692 filed by him on April 24, 2008.

Smith of Marshall offered the following amendment H–8706 filed by him and moved its adoption:

**H–8706**

1. Amend House File 2700 as follows:
   1. Page 37, by striking lines 13 through 15 and inserting the following: "attorney."

Amendment H–8706 was adopted.

Rants of Woodbury offered the following amendment H–8704 filed by him and moved its adoption:

**H–8704**

1. Amend House File 2700 as follows:
   1. Page 37, line 25, by inserting after the word "cases." the following: "In addition, a retrieval fee of up to twenty-five dollars per request may be charged for up to two requests."

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question “Shall amendment H–8704 be adopted?” (H.F. 2700)

The ayes were, 43:
Amendment H–8704 lost.

Baudler of Adair asked and received unanimous consent to withdraw amendment H–8703 filed by him on April 24, 2008.

Baudler of Adair offered the following amendment H–8712 filed by him and R. Olson of Polk and moved its adoption:

H–8712

1 Amend House File 2700 as follows:
2 1. By striking page 38, line 35, through page 39, line 32, and inserting the following:
4 "Sec. ___. NEW SECTION. 692A.3B PRESENCE ON THE
5 REAL PROPERTY COMPRISING A CHILD CARE FACILITY OR
6 CHILD CARE HOME – RESTRICTION.
7 1. As used in this section, "child care provider"
8 includes a "child care center", "child care home",
9 "child development home", and "preschool" as those
10 terms are defined in section 237A.1, and a "child care
11 program" as defined in section 279.49 and authorized
12 in section 280.3A.
2. A person required to register under this chapter who has been convicted of a criminal offense against a minor, or an offense involving a minor that is an aggravated offense, sexually violent offense, or other relevant offense, shall not be knowingly present on the real property comprising a child care provider, except under one of the following circumstances:

- The person is transporting a minor who is a child of the person to or from the child care provider.
- The person is responding to a health or behavioral emergency regarding a minor who is the child of the person.
- The person has been summoned to discuss the developmental activity or social progress of a minor who is a child of the person.
- The person is voting in the building in which the child care provider is located during the hours designated to vote.

3. The child care provider's owner or administrator shall provide notice to the parents, guardians, or custodians of the children receiving child care from the child care provider about the presence of a person on the real property comprising the child care provider, as authorized in accordance with subsection 2.

4. A person required to register under this chapter who commits a violation of this section commits an aggravated misdemeanor.

Sec. . Section 709.12, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A person eighteen years of age or older is upon conviction guilty of an aggravated misdemeanor if the person commits any of the following acts with a child, not the person's spouse, with or without the child's consent, for the purpose of arousing or satisfying the sexual desires of either of them:

Sec. . Section 709.14, Code 2007, is amended to read as follows:

709.14 LASCIVIOUS CONDUCT WITH A MINOR.

1. It is unlawful for a person over eighteen years of age who is in a position of authority over a minor to force, persuade, or coerce a minor, with or without consent, to disrobe or partially disrobe for the purpose of arousing or satisfying the sexual desires of either of them.

2. Lascivious conduct with a minor as prohibited in subsection 1 is a serious aggravated misdemeanor.
Roll call was requested by Baudler of Adair and Raecker of Polk.

On the question “Shall amendment H–8712 be adopted?” (H.F. 2700)

The ayes were, 96:

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The nays were, none.

Absent or not voting, 4:

Arnold Hoffman Roberts Tomenga

Amendment H–8712 was adopted.

Horbach of Tama offered amendment H–8682 filed by him as follows:

H–8682

1. Amend House File 2700 as follows:

2. Page 39, by inserting after line 32 the
"Sec.____. Section 717F.1, subsection 5, paragraph b, Code Supplement 2007, is amended to read as follows:

b. "Dangerous wild animal" includes an animal which is the offspring of an animal provided in paragraph "a", and another animal provided in that paragraph or any other animal. It also includes animals which are the offspring of each subsequent generation. However, a dangerous wild animal does not include a hybrid which is any of the following:

(1) The offspring of a domestic dog and a wolf, or the offspring from each subsequent generation in which at least one parent is a domestic dog.

(2) The offspring of a domestic swine and a member of the species sus scrofa linnaeus, including but not limited to swine commonly known as Russian boar or European boar of either sex and resultant offspring, if the original cross breeding between the two types occurred before July 1, 2003, and the offspring of such cross-breeding have been kept at all times in a hunting preserve licensed pursuant to chapter 484B."

2. Page 41, by inserting after line 27 the following:

"Sec.____. EFFECTIVE DATE. The section of this division of this Act amending section 717F.1, subsection 5, paragraph "b", takes effect upon enactment."

Oldson of Polk rose on a point of order that amendment H–8682 was not germane.

The Speaker ruled the point well taken and amendment H–8682 not germane.

Wise of Lee asked and received unanimous consent that amendment H–8676 be deferred.

Wenthe of Fayette offered the following amendment H–8678 filed by him and moved its adoption:

H–8678

Amend House File 2700 as follows:

1. Page 40, by inserting after line 11 the following:

"Sec.____. INDEPENDENT REDEMPTION CENTER GRANT
FUND. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For deposit in the independent redemption center fund created in section 455C.17, as enacted in this division of this Act: $1,000,000

Roll call was requested by Wise of Lee and Raecker of Polk.

On the question “Shall amendment H–8678 be adopted?” (H.F. 2700)

The ayes were, 95:

Abdul-Samad  Alons  Anderson  Bailey
Baudler  Bell  Berry  Bukta
Chambers  Clute  Cohoon  Dandekar
Davitt  De Boef  Deyoe  Dolecheck
Drake  Poege  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  Tymeson
Upmeyer  Van Engelenhoven  Watts  Wendt
Wenthe  Wessel-Kroeschell  Whitaker  Whitead
Wiencek  Winckler  Windschitl  Wise
Worthan  Zirkelbach  Mr. Speaker  Murphy

The nays were, none.

Absent or not voting, 5:

Arnold  Boal  Roberts  Tomenga
Van Fossen
Amendment H–8678 was adopted.

Frevert of Palo Alto asked and received unanimous consent to withdraw amendment H–8681 filed by her on April 24, 2008.

Huser of Polk offered the following amendment H–8711 filed by her and moved its adoption:

H–8711

1 Amend House File 2700 as follows:
2 1. Page 40, by inserting after line 11 the following:
3 "Sec. __. 2008 Iowa Acts, Senate File 2420,
4 section 124, is amended by striking the section and
5 inserting in lieu thereof the following:
6 SEC. 124. Section 423.5, subsection 3, Code 2007,
7 as amended by this division of this Act, is amended to
8 read as follows:
9 3. The An excise tax at the rate of five percent
10 is imposed on the use of vehicles subject only to the
11 issuance of a certificate of title and the use of
12 manufactured housing, and on the use of leased
13 vehicles, if the lease transaction does not require
14 titling or registration of the vehicle, on the amount
15 subject to tax as calculated pursuant to section
16 423.26, subsection 2."
17 2. By renumbering as necessary.

Amendment H–8711 was adopted.

Wendt of Woodbury offered the following amendment H–8702 filed by him and moved its adoption:

H–8702

1 Amend House File 2700 as follows:
2 1. Page 42, by inserting after line 22 the following:
3 "Sec. __. BUDGET ADJUSTMENT. For the budget year
4 beginning July 1, 2008, and ending June 30, 2009, any
5 adjustment in the school district’s budget resulting
6 from the amendment to section 257.6 in this division
7 of this Act shall be addressed as provided in section
8 257.6, subsection 1, paragraph "d" based upon the
9 amendment made to section 257.6, subsection 1,
10 paragraph a, subparagraph (5), and with the budget
adjustment being made in the fiscal year beginning July 1, 2008."

Amendment H–8702 was adopted.

Tymeson of Madison offered the following amendment H–8680 filed by Tymeson et al., and moved its adoption:

H–8680

1. Amend House File 2700 as follows:
2. By striking page 41, line 28, through page 42, line 25.

Roll call was requested by Tymeson of Madison and Paulsen of Linn.

Rule 75 was invoked.

On the question “Shall amendment H–8680 be adopted?” (H.F. 2700)

The ayes were, 48:

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

The nays were, 49:

Abdul-Samad  Bailey  Bell  Berry
Bukta  Cohoon  Davitt  Foeger
Ford  Frevert  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
Amendment H–8680 lost.

Baudler of Adair offered amendment H–8674 filed by him as follows:

H–8674

Amend House File 2700 as follows:

1. Page 45, by inserting before line 28 the following:

```
DIVISION PERMITS TO CARRY WEAPONS

Sec. 1. Section 229.24, subsection 1, Code 2007, is amended to read as follows:

1. Except as otherwise provided in this section, all papers and records pertaining to any involuntary hospitalization or application for involuntary hospitalization of any person under this chapter, whether part of the permanent record of the court or of a file in the department of human services, are subject to inspection only upon an order of the court for good cause shown. Nothing in this section shall prohibit a hospital from complying with the requirements of this chapter and of chapter 230 relative to financial responsibility for the cost of care and treatment provided a patient in that hospital, nor from properly billing any responsible relative or third-party payer for such care and treatment.

Sec. 2. Section 229.24, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The clerk of the district court shall provide to the department of public safety notice of all adjudications of persons involuntarily committed to a mental institution for inpatient or outpatient or other appropriate treatment by reason of serious mental impairment under this chapter. Such notice shall only be used by the department to submit information to the national instant criminal background system maintained by the federal bureau of investigation and shall otherwise remain confidential.
```
Sec. __. Section 724.7, Code 2007, is amended to read as follows:

724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS. Any person who can reasonably justify going armed may shall be issued a nonprofessional permit to carry weapons. Such permits shall be on a form prescribed and published by the commissioner of public safety, which shall be readily distinguishable from the professional permit, and shall identify the holder thereof, and state the reason for the issuance of the permit, and the limits of the authority granted by such permit. All permits so issued shall be for a definite period as established by the issuing officer, but in no event shall exceed a period of twelve months.

Sec. __. Section 724.8, Code 2007, is amended to read as follows:

724.8 PERSONS ELIGIBLE FOR PERMIT TO CARRY WEAPONS. No person shall not be issued a professional or nonprofessional permit to carry weapons unless:
1. The person is eighteen years of age or older for a professional permit or twenty-one years or older for a nonprofessional permit.
2. The person has never been convicted of a felony.
3. The person is not addicted to the use of alcohol or any controlled substance.
4. The person has no history of repeated acts of violence.
5. The issuing officer reasonably determines that the applicant does not constitute a danger to any person.
6. The person has never been convicted of any crime defined in chapter 708, except "assault" as defined in section 708.1 and "harassment" as defined in section 708.7.
7. The person has not been committed to a mental institution for purposes of 18 U.S.C. § 922 (g)(4).
8. The person is not subject to a protective order pursuant to 18 U.S.C. § 922(g)(8) and has not been convicted of a misdemeanor crime of domestic violence pursuant to 18 U.S.C. § 922(g)(9). It is the intent of the general assembly that violations of these federal laws be strictly enforced in the courts of this state.
Sec. 724.9, Code 2007, is amended to read as follows:

724.9 FIREARM TRAINING PROGRAM.

A training program to qualify persons in the safe use of firearms shall be provided by the issuing officer of permits, as provided in section 724.11.

1. The commissioner of public safety shall establish minimum standards for a training program designed to qualify persons in the safe use of firearms and shall include a course of instruction designed to qualify a person on a firing range. The course of instruction shall be limited to a maximum of six hours in length. The course of instruction shall include all of the following:

a. Firearms safety in the classroom, at home, on the firing range, and while carrying the firearm.

b. A physical demonstration performed by the applicant that demonstrates the applicant's ability to safely load and unload a revolver or a semiautomatic pistol and the applicant's marksmanship.

c. The basic principles of marksmanship.

d. The law relating to firearms pursuant to this chapter.

e. The law relating to the justifiable use of force pursuant to chapter 704.

f. A live fire shooting test administered to an applicant pursuant to section 724.9A.

2. The commissioner of public safety shall approve the training program, and the county sheriff or the commissioner of public safety conducting the training program within their respective jurisdictions may contract with a private organization or use the services of other agencies, or may use a combination of the two, to provide such a training program that meets the standards specified in subsection 1. Any person eligible to be issued a permit to carry weapons may enroll in such course. A fee sufficient to cover the cost of the program may be charged to each person attending. Certificates of completion, on a form prescribed and published by the commissioner of public safety, shall be issued by a qualified firearms safety instructor subject to the restrictions of section 724.9B to each person who successfully completes the program. No person shall not be issued either a professional or nonprofessional permit unless the person has received a certificate of completion or is a certified peace officer. No peace officer or correctional officer, except a certified peace
officer, shall not go armed with a pistol or revolver unless the officer has received a certificate of completion, provided that this requirement shall not apply to persons who are employed in this state as peace officers on January 1, 1978 until July 1, 1978, or to peace officers of other jurisdictions exercising their legal duties within this state.

Sec. 724.9A LIVE FIRE SHOOTING TEST.

1. A live fire shooting test shall be administered in the presence of a firearms safety instructor qualified under section 724.9C to an applicant for a nonprofessional permit to carry weapons. The live fire shooting test shall consist of thirty rounds fired from a standing position or its equivalent at a distance from a B-27 silhouette target or an FBI "Q" target, ten rounds fired from a distance of five yards, ten rounds fired from a distance of seven yards, and ten rounds fired from a distance of ten yards. Two sets of five rounds shall be fired consecutively at each designated distance and each five-round string shall be fired within thirty seconds. Twenty-one of the rounds fired must strike either the eight-ring on the B-27 target or the smallest FBI "Q" target to pass the live fire shooting test.

2. An applicant for a nonprofessional permit to carry weapons may attempt to pass the live fire shooting test administered pursuant to subsection 1 up to three times in one day but must pass the shooting test within two weeks of completing a firearms training program pursuant to section 724.9. An applicant who fails the live fire shooting test within the requisite two-week period shall be required to retake the firearms training program prior to again attempting to pass the live fire shooting test.

3. The provisions of this section shall be implemented uniformly throughout the state and shall constitute the statewide standard for the course of instruction qualifying a person to shoot on a firing range pursuant to section 724.9.

Sec. 724.9B CERTIFICATE OF COMPLETION.

A qualified firearms safety instructor shall not issue a certificate of completion to an applicant for a permit to carry weapons who does any of the following:

1. Fails to demonstrate the requisite knowledge and technique regarding the proper handling of a...
firearm.
2. Handles a firearm in a manner that, in the judgment of the qualified firearms safety instructor, poses a danger to the applicant or others.
3. Fails the live fire shooting test pursuant to the requirements specified in section 724.9A.

Sec. ___ NEW SECTION 724.9C QUALIFIED FIREARMS SAFETY INSTRUCTOR.

A firearms safety instructor shall be considered to be a qualified firearms safety instructor if the instructor has any of the following qualifications:
1. Is a valid firearms safety instructor certified by the national rifle association holding a rating as a personal protection instructor or pistol marksmanship instructor.
2. Submits a photocopy of a certificate of completion of a firearms safety instructor course offered by a local, state, or federal governmental agency and approved by the department of public safety.
3. Submits a photocopy of a certificate of completion of a firearms safety instructor course approved by the department of public safety.
4. Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal, or federal enforcement agency.
5. Is a certified police officer firearms safety instructor.
6. Is a certified law enforcement academy firearms safety instructor.

Sec. ___ Section 724.11, Code 2007, is amended to read as follows:

724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

Applications for permits to carry weapons shall be made to the sheriff of the county in which the applicant resides. Applications from persons who are nonresidents of the state, or whose need to go armed arises out of employment by the state, shall be made to the commissioner of public safety. In either case, the issuance of the permit shall be by and at the discretion of the sheriff or commissioner, who shall, before issuing the permit, determine that the requirements of sections 724.6 to 724.10 have been satisfied. However, the training program requirements in section 724.9 may be waived for renewal permits. If the sheriff or the commissioner restricts or denies an application for a permit under this section, the sheriff or commissioner shall provide a
written statement of the reasons for the restriction or the denial to the applicant by certified mail within fifteen working days of the filing of the application.

2. The issuing officer shall collect a fee of ten dollars, except from a duly appointed peace officer or correctional officer, for each permit issued. Renewal permits or duplicate permits shall be issued for a fee of five dollars. The issuing officer shall notify the commissioner of public safety of the issuance of any permit at least monthly and forward to the commissioner an amount equal to two dollars for each permit issued and one dollar for each renewal or duplicate permit issued. All such fees received by the commissioner shall be paid to the treasurer of the state and deposited in the operating account of the department of public safety to offset the cost of administering this chapter. Any unspent balance as of June 30 of each year shall revert to the general fund as provided by section 8.33.

Sec. NEW SECTION. 724.11A RECIPROCITY. A person possessing a valid permit issued by another state to carry a weapon shall be entitled to the privileges and subject to the restrictions prescribed in this chapter provided the state that issued the license has training requirements that are equal to or greater than the training requirements prescribed by this chapter. The department of public safety shall determine which states qualify as reciprocal states, shall maintain an up-to-date list of such states, and shall post such information on the department’s internet site.

Sec. NEW SECTION. 724.14 IMMUNITY. The sheriff or the commissioner of public safety shall not be liable for damages in any civil action arising from the alleged wrongful issuance, renewal, or failure to revoke a permit to carry weapons provided that the sheriff or the commissioner acted reasonably and in good faith and in accordance with the provisions of this chapter in carrying out the sheriff’s or the commissioner’s official duties.

Sec. EFFECTIVE DATE. The sections of this division of this Act amending section 229.24 take effect January 1, 2009.”

Baudler of Adair offered the following amendment H–8698, to amendment H–8674, filed by him and moved its adoption:
Amendment **H–8698** was adopted.

Hunter of Polk rose on a point of order that amendment **H–8674**, as amended, was not germane.

The Speaker ruled the point well taken and amendment **H–8674**, as amended, not germane.

Baudler of Adair asked for unanimous consent to suspend the rules to consider amendment **H–8674**, as amended.

Objection was raised.

Baudler of Adair moved to suspend the rules to consider amendment **H–8674**, as amended.

Rule 75 was invoked.

Roll call was requested by Baudler of Adair and Rants of Woodbury.

On the question “Shall the rules be suspended to consider amendment **H–8674**, as amended?” (**H.F. 2700**)

The ayes were, 49:

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<td>Van Fossen</td>
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Watts  Wieneck  Windschitl  Worthan
Zirkelbach

The nays were, 46:

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

Absent or not voting, 5:

Arnold  Dandekar  Roberts  Tomenga
Wise

The motion to suspend the rules lost.

Chambers of O’Brien offered amendment H–8688 filed by him as follows:

H–8688

1 Amend House File 2700 as follows:
2 1. Page 45, by inserting after line 27 the
3 following:
4 "Sec.__.  NEW SECTION.  68A.506 PROHIBITED
5 CONTRIBUTIONS.
6 A labor union, employee organization, or employee
7 association shall not contribute, act as an agent or
8 intermediary for contributions, or arrange for the
9 making of monetary contributions to any candidate for
10 office in this state, or to the candidate’s committee,
11 unless the labor union, employee organization, or
12 employee association certifies that all individuals
13 paying dues or making contributions to the labor
14 union, employee organization, or employee association
15 are United States citizens."

Oldson of Polk rose on a point of order that amendment H–8688
was not germane.
The Speaker ruled the point well taken and amendment H–8688 not germane.

Chambers of O’Brien asked for unanimous consent to suspend the rules to consider amendment H–8688.

Objection was raised.

Chambers of O’Brien moved to suspend the rules to consider amendment H–8688.

Roll call was requested by Chambers of O’Brien and Tymeson of Madison.

On the question “Shall the rules be suspended to consider amendment H–8688?” (H.F. 2700)

The ayes were, 43:

Alons Anderson Baudler Boal
Chambers Clute De Boef Deyoe
Dolecheck Drake Forristall Gipp
Granzow Grassley Greiner 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
Wiencek Windschitl Worthan

The nays were, 50:

Abdul-Samad Bailey Bell Berry
Bukta Cohoon Davitt Foeg
Ford Frevert Gaskill Gayman
Heddens Hunter Huser Jacoby
Jochum Kelley Kressig Kuhn
Lensing Lykam Mascher Miller, H.
Oldson Olson, D. Olson, R. Olson, T.
Palmer Petersen Quirk Reasoner
Reichert Schueller Shomshor Smith
R. Olson of Polk offered amendment H–8701 filed by him as follows:

**H–8701**

1. Amend House File 2700 as follows:
2. 1. Page 45, by inserting after line 27 the following:
3. "DIVISION _____
4. RETIREMENT FOR SENIOR JUDGES
5. Sec. 602.9202, Code 2007, is amended by adding the following new subsection:
6. NEW SUBSECTION 3A. "Senior judge retirement age"
7. means seventy-eight years of age or, if the senior
8. judge is reappointed as a senior judge for an
9. additional two-year term upon attaining seventy-eight
10. years of age pursuant to section 602.9203, eighty
11. years of age.
12. Sec. 602.9203, subsection 5, Code
13. 2007, is amended to read as follows:
14. 5. a. A senior judge may be reappointed to
15. additional two-year terms, at the discretion of the
16. supreme court, if the judicial officer meets the
17. requirements of subsection 2.
18. b. A senior judge may be reappointed to an
19. additional two-year term upon attaining seventy-eight
20. years of age, at the discretion of the supreme court.
21. if the judicial officer meets the requirements of
22. subsection 2.
23. Sec. 602.9204, subsection 1, Code
24. 2007, is amended to read as follows:
25. 1. A judge who retires on or after July 1, 1994,
26. and who is appointed a senior judge under section
27. 602.9203 shall be paid a salary as determined by the
28. general assembly. A senior judge or retired senior
29. judge shall be paid an annuity under the judicial
30. retirement system in the manner provided in section
602.9109, but computed under this section in lieu of section 602.9107, as follows: The annuity paid to a senior judge or retired senior judge shall be an amount equal to the applicable percentage multiplier of the basic senior judge salary, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under this article, for which contributions were made to the system, except the annuity of the senior judge or retired senior judge shall not exceed an amount equal to the applicable specified percentage of the basic senior judge salary used in calculating the annuity. However, following the twelve-month period during which the senior judge or retired senior judge attains seventy-eight years of senior judge retirement age, the annuity paid to the person shall be an amount equal to the applicable percentage multiplier of the basic senior judge salary cap, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under this article, for which contributions were made to the system, except that the annuity shall not exceed an amount equal to the applicable specified percentage of the basic senior judge salary cap. A senior judge or retired senior judge shall not receive benefits calculated using a basic senior judge salary established after the twelve-month period in which the senior judge or retired senior judge attains seventy-eight years of senior judge retirement age. The state shall provide, regardless of age, to an active senior judge or a senior judge with six years of service as a senior judge and to the judge's spouse, and pay for medical insurance until the judge attains the senior judge retirement age of seventy-eight years.

Sec. Sec. Sec. Section 602.9204, subsection 2, paragraphs d and e, Code 2007, is amended to read as follows:

d. "Basic senior judge salary cap" means the basic senior judge salary, at the end of the twelve-month period during which the senior judge or retired senior judge attained seventy-eight years of senior judge retirement age, of the office in which the person last served as a judge before retirement as a judge or senior judge.

e. "Escalator" means the difference between the current basic salary, as of the time each payment is made up to and including the twelve-month period...
during which the senior judge or retired senior judge attains seventy-eight years of senior judge retirement age, of the office in which the senior judge last served as a judge before retirement as a judge or senior judge, and the basic annual salary which the judge is receiving at the time the judge becomes separated from full-time service as a judge of one or more of the courts included in this article, as would be used in computing an annuity pursuant to section 602.9107 without service as a senior judge.

Sec. 1. Section 602.9207, subsection 1, Code 2007, is amended to read as follows:

1. A senior judge shall cease to be a senior judge upon completion of the twelve-month period during which the judge attains seventy-eight years of senior judge retirement age. The clerk of the supreme court shall make a notation of the retirement of a senior judge in the roster of senior judges, at which time the senior judge shall become a retired senior judge.

Sec. 1. Section 602.9208, subsection 1, Code

2007, is amended to read as follows:

1. A senior judge, at any time prior to the end of the twelve-month period during which the judge attains seventy-eight years of senior judge retirement age, may submit to the clerk of the supreme court a written request that the judge's name be stricken from the roster of senior judges. Upon the receipt of the request the clerk shall strike the name of the person from the roster of senior judges, at which time the person shall cease to be a senior judge. A person who relinquishes a senior judgeship as provided in this subsection may be assigned to temporary judicial duties as provided in section 602.1612."

Rants of Woodbury rose on a point of order that amendment H–8701 was not germane.

The Speaker ruled the point well taken and amendment H–8701 not germane.

Reichert of Muscatine offered the following amendment H–8689 filed by him and moved its adoption:

H–8689

Amend House File 2700 as follows:
1. Page 49, by inserting after line 28 the following:

"Sec. __. Section 476.44A, if enacted by 2008 Iowa Acts, Senate File 2386, section 6, is amended to read as follows:

Sec. 6. NEW SECTION. 476.44A TRADING OF CREDITS. The board may establish or participate in a program to track, record, and verify the trading of credits or attributes relating to electricity generated from alternative energy production facilities or renewable energy sources among electric generators, utilities, and other interested entities, within this state and with similar entities in other states."

Amendment H–8689 was adopted.

Rants of Woodbury offered the following amendment H–8679, previously deferred, filed by him and moved its adoption:

H–8679

1. Amend House File 2700 as follows:

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

"Sec.__. Section 68A.401, Code Supplement 2007, is amended by adding the following new subsections:

NEW SUBSECTION. 5. A political party, as defined in section 43.2, or a candidate’s committee shall file a report with the board containing the information specified in and in accordance with section 68A.401A, subsection 2, paragraph "b", if that political party, candidate, or candidate’s committee receives a contribution from a political committee that has received a contribution from a political organization that is required to file reports with the internal revenue service, pursuant to 26 U.S.C. § 527.

NEW SUBSECTION. 6. A political party, as defined in section 43.2, shall file a report with the board containing the information specified in and in accordance with section 68A.401A, subsection 2, paragraph "b", if that political party receives a contribution from a political organization that is required to file reports with the internal revenue service, pursuant to 26 U.S.C. § 527."

2. Page 20, by striking lines 19 and 20 and inserting the following:

"a. Either creates or disseminates a communication of issue advocacy in this state or makes contributions to a political party, as defined in section 43.2, or to a political committee which makes a contribution to
30    a candidate or candidate’s committee.”
31    3. By renumbering as necessary.

Rule 75 was invoked.

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

On the question “Shall amendment H–8679 be adopted?” (H.F. 2700)

The ayes were, 45:

Alons    Anderson    Baudler    Boal
Chambers Clute    De Boef    Deyoe
Dolecheck Drake    Forristall    Gipp
Granzow Grassley    Greiner    Heaton
Hoffman Huseman    Jacobs    Jochum
Kaufmann Kuhn    Lukan    May
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, 50:

Abdul-Samad Bailey    Bell    Berry
Bukta    Cohoon    Dandekar    Davitt
Foege    Ford    Frevert    Gaskill
Gayman Heddens    Hunter    Huser
Jacoby    Kelley    Kressig    Lensing
Lykam    Mascher    McCarthy    Mertz
Miller, H. Oldson    Olson, D.    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, 5:

Arnold    Horbach    Olson, R.    Roberts
Tomenga

Amendment H–8679 lost.
LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama, until his return, on request of Gipp of Winneshiek.

Quirk of Chickasaw offered the following amendment H–8696, previously deferred, filed by him and moved its adoption:

H–8696

1 Amend House File 2700 as follows:
2 1. Page 21, by inserting after line 14 the
3 following:
4  "Sec. ___.  Section 103.6, Code Supplement 2007, is
5 amended by adding the following new subsection:
6  NEW SUBSECTION.  5.  Adopt rules to create a
7 special master license class or subclass and special
8 journeyman license class or subclass for individuals
9 who were licensed by a political subdivision prior to
10 January 1, 2008, pursuant to a supervised written
11 examination that has not been approved by the board
12 pursuant to section 103.10, subsection 4, or section
13 103.12, subsection 4.  A person licensed pursuant to
14 this subsection shall have the same authority as a
15 person holding a corresponding class A master license
16 or class A journeyman license.  However, the board
17 shall not be required to include persons licensed
18 under this subsection in any agreement entered into
19 pursuant to the authority granted under section
20 103.21.
21  Sec. ___.  Section 103.22, Code Supplement 2007, is
22 amended by adding the following new subsection:
23  NEW SUBSECTION.  2A.  Require firms or individuals
24 working under contract to municipal utilities, electric membership or cooperative associations, or
25 investor-owned utilities to hold licenses while
26 performing work for utilities which is within the
27 scope of the public service obligations of a utility."

Amendment H–8696 was adopted.

Jacobs of Polk offered amendment H–8713 filed by her and Gipp of Winneshiek from the floor as follows:

H–8713

1 Amend House File 2700 as follows:
1. Page 21, by inserting after line 14 the following:

"Sec. ___. Section 68B.2A, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The board shall adopt rules pursuant to chapter 17A further delineating particular situations where outside employment or activity of officials and state employees of the executive branch will be deemed to create an unacceptable conflict of interest.

Sec. ___. Section 68B.5A, subsections 2 and 5, Code 2007, are amended to read as follows:

2. The head of a major subunit of a department or independent state agency whose position involves substantial exercise of administrative discretion or the expenditure of public funds, a full-time employee of an office of a statewide elected official whose position involves substantial exercise of administrative discretion or the expenditure of public funds, or a legislative employee whose position involves a substantial exercise of administrative discretion or the expenditure of public funds, shall not, during the time in which the person serves or is employed by the state, act as a lobbyist before the agency in which the person is employed or before state agencies, officials, or employees with whom the person has substantial or regular contact as part of the person's duties, unless the person is designated, by the agency in which the person serves or is employed, to represent the official position of the agency.

5. The head of a major subunit of a department or independent state agency whose position involves substantial exercise of administrative discretion or the expenditure of public funds, a full-time employee of an office of a statewide elected official whose position involves substantial exercise of administrative discretion or the expenditure of public funds, or a legislative employee whose position involves a substantial exercise of administrative discretion or the expenditure of public funds, shall not, within two years after termination of employment, become a lobbyist before the agency in which the person was employed or before state agencies or officials or employees with whom the person had substantial and regular contact as part of the person's former duties.

Sec. ___. Section 68B.22, subsection 4, Code Supplement 2007, is amended by adding the following new paragraph:
NEW PARAGRAPH. hh. Food and beverages provided at a meal that is part of a bona fide event or program at which the recipient is being honored for public service."

Amendment H–8713 was adopted.

Struyk of Pottawattamie offered amendment H–8714 filed by him and Huser of Polk from the floor:

H–8714

Amend House File 2700 as follows:

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

   "Sec. __. Section 441.21, subsection 1, paragraph b, unnumbered paragraph 1, Code 2007, is amended to read as follows:
   The actual value of all property subject to assessment and taxation shall be the fair and reasonable market value of such property except as otherwise provided in this section. "Market value" is defined as the fair and reasonable exchange in the year in which the property is listed and valued between a willing buyer and a willing seller, and based on the actual use of that property, neither being under any compulsion to buy or sell and each being familiar with all the facts relating to the particular property. Sale prices of the property or comparable property in normal transactions reflecting market value, and the probable availability or unavailability of persons interested in purchasing the property, shall be taken into consideration in arriving at its market value. In arriving at market value, sale prices of property in abnormal transactions not reflecting market value shall not be taken into account, or shall be adjusted to eliminate the effect of factors which distort market value, including but not limited to sales to immediate family of the seller, foreclosure or other forced sales, contract sales, discounted purchase transactions or purchase of adjoining land or other land to be operated as a unit."

Rants of Woodbury rose on a point of order that amendment H–8714 was not germane.

The Speaker ruled the point well taken and amendment H–8714 not germane.
Struyk of Pottawattamie asked for unanimous consent to suspend the rules to consider amendment H–8714.

Objection was raised.

Wise of Lee asked and received unanimous consent to withdraw amendment H–8676, previously deferred, filed by him on April 24, 2008, placing out of order amendment H–8715 filed by Raecker of Polk from the floor.

Winckler of Scott offered the following amendment H–8716 filed by her from the floor and moved its adoption:

H–8716

Amend House File 2700 as follows:
1. Page 42, line 9, by inserting after the word "years," the following: "If the school district determines that the expenditures associated with providing competent private instruction pursuant to chapter 299A is in excess of the revenue attributed to the school district’s weighted enrollment for such instruction in accordance with this subparagraph, the school district may submit a request to the school budget review committee for modified allowable growth in accordance with section 257.31, subsection 5, paragraph "n". A home school assistance program shall not provide moneys received pursuant to this subparagraph, nor resources paid for with moneys received pursuant to this subparagraph, to parents or students utilizing the program.

Sec. ___. Section 257.11, subsection 5, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. n. Unusual need for additional funds for the costs associated with providing competent private instruction pursuant to chapter 299A.

Sec. ___. Section 299.4, Code Supplement 2007, is amended to read as follows:

299.4 REPORTS AS TO PRIVATE INSTRUCTION.
1. The parent, guardian, or legal custodian of a child who is of compulsory attendance age, who places the child under competent private instruction under either section 299A.2 or 299A.3, not in an accredited school or a home school assistance program operated by
32 a public school district or accredited nonpublic
33 school, shall furnish a report in duplicate on forms
34 provided by the public school district, to the
35 district by the earliest starting date specified in
36 section 279.10, subsection 1. The secretary shall
37 retain and file one copy and forward the other copy to
38 the district's area education agency. The report
39 shall state the name and age of the child, the period
40 of time during which the child has been or will be
41 under competent private instruction for the year, an
42 outline of the course of study, texts used, and the
43 name and address of the instructor. The parent,
44 guardian, or legal custodian of a child, who is
45 placing the child under competent private instruction
46 for the first time, shall also provide the district
47 with evidence that the child has had the immunizations
48 required under section 139A.8, and, if the child is
49 elementary school age, a blood lead test in accordance
50 with section 135.105D. The term "outline of course of

Page 2

1 study" shall include subjects covered, lesson plans,
2 and time spent on the areas of study.
3 2. A home school assistance program operated by a
4 school district or accredited nonpublic school shall
5 furnish a report on forms provided by the department.
6 The report shall, at a minimum, state the name and age
7 of the child and the period of time during the school
8 year in which the child has been or will be under
9 competent private instruction by the home school
10 assistance program.
11 Sec. ____. Section 299A.2, Code 2007, is amended to
12 read as follows:
13 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED
14 PRACTITIONER.
15 If a licensed practitioner provides competent
16 instruction to a child of compulsory attendance age,
17 the practitioner shall possess a valid license or
18 certificate which has been issued by the state board
19 of educational examiners under chapter 272 and which
20 is appropriate to the ages and grade levels of the
21 children to be taught. Competent private instruction
22 may include, but is not limited to, a home school
23 assistance program which provides instruction or
24 instructional supervision offered through an
25 accredited nonpublic school or public school district
26 by a teacher licensed under chapter 272, who is
27 employed by the accredited nonpublic school or public
28 school district, who assists and supervises a parent,
29 guardian, or legal custodian in providing instruction
to a child. If competent private instruction is
provided through a public school district, the child
shall be enrolled and included in the basic enrollment
of the school district as provided in section 257.6.
Sections 299A.3 through 299A.7 do not apply to
competent private instruction provided by a licensed
practitioner under this section. However, the
reporting requirement contained in section 299A.3,
subsection 1, shall apply to competent private
instruction provided by licensed practitioners that is
not part of a home school assistance program offered
through an accredited nonpublic school or public
school district.”

2. By renumbering as necessary.

Roll call was requested by Tymeson of Madison and Boal of Polk.

On the question “Shall amendment H–8716 be adopted?” (H.F.
2700)

The ayes were, 49:

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

Mr. Speaker
Murphy

The nays were, 43:

Alons Anderson Baudler Boal
Chambers Clute De Boef Deyoe
Dolecheck Drake Forristall Gipp
Granzow Grassley Greiner Heaton
Hoffman Huseman Huser Jacobs
Kaufmann Lukan May Miller, L.
Olson, S. Paulsen Pettengill Raecker
Rants Rasmussen Rayhons Sands
Schickel Soderberg Struyk Tjepkes
Tymeson Van Engelenhoven Van Fossen Watts
Wieneek Windschitl Worthan
Absent or not voting, 8:

Arnold Horbach Mertz Olson, R.
Roberts Smith Tomenga Upmeyer

Amendment H–8716 was adopted.

MOTION TO RECONSIDER PREVAILED

Wise of Lee called up for consideration the motion to reconsider amendment H–8672 to House File 2700, filed on April 25, 2008, and moved to reconsider the vote by which amendment H–8672, failed to pass the House on April 25, 2008.

The motion to reconsider prevailed.

Rants of Woodbury moved the adoption of amendment H–8672.

Roll call was requested by Wise of Lee and Reasoner of Union.

On the question “Shall amendment H–8672 be adopted?” (H.F. 2700)

The ayes were, 95:

Abdul-Samad Alons Anderson 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 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, 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 Tymeson Upmeyer
Van Engelenhoven Van Fossen Watts Wendt
The nays were, none.

Absent or not voting, 5:

Arnold Horbach Olson, R. Roberts
Tomenga

Amendment H–8672 was adopted.

Gipp of Winneshiek asked and received unanimous consent to suspend the rules to reconsider amendment H–8671, previously ruled not germane.

The motion prevailed.

Gipp of Winneshiek moved the adoption of amendment H–8671.

Roll call was requested by Gipp of Winneshiek and Raecker of Polk.

On the question “Shall amendment H–8671 be adopted?” (H.F. 2700)

The ayes were, 91:

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

The nays were, 1:

Hunter

Absent or not voting, 8:

Arnold  Gaskill  Horbach  Olson, R.
Reichert  Roberts  Tomenga  Upmeyer

Amendment H–8671 was adopted.

Oldson 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?” (H.F. 2700)

The ayes were, 51:

Abdul-Samad  Bailey  Bell  Berry
Bukta  Cohoon  Dandekar  Davitt
Foege  Ford  Frevert  Gaskill
Gayman  Heddens  Hunter  Jacoby
Jochum  Kelley  Kressig  Kuhn
Lensing  Lykam  Mascher  McCarthy
Mertz  Miller, H.  Oldson  Olson, D.
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, 44:

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

Absent or not voting, 5:
Arnold Horbach Olson, R. Roberts
Tomenga

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 2700 be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 12:02 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:35 p.m., Petersen of Polk in the chair.

QUORUM CALL

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

SENATE AMENDMENT CONSIDERED

Wise of Lee called up for consideration 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, amended by the Senate, and moved that the House concur in the following Senate amendment H–8664:
Amend House File 2687, as amended, passed, and reprinted by the House, as follows:

1. Page 3, lines 5 and 6, by striking the words "or for a taxable year beginning on or after July 1, 2016".
2. Page 5, line 14, by striking the word "twenty" and inserting the following: "ten".
3. Page 5, by striking lines 16 through 23 and inserting the following:
   "5. For the fiscal year beginning July 1, 2009, the maximum amount of tax credits issued by the department shall not exceed one million dollars. The department shall not issue tax credits pursuant to this section in subsequent fiscal years unless authorized pursuant to this subsection."
4. Page 5, line 26, by striking the figure "2008," and inserting the following: "2009, or after June 30, 2010,"
5. Page 6, by striking line 34.
7. Page 7, line 23, by striking the word "a."
9. Page 8, line 17, by striking the word "and".
10. Page 8, by striking line 20 and inserting the following: "established by another state agency by rule."
11. Page 8, line 22, by striking the figure "1."
13. Page 8, line 28, by striking the word "a."
15. Page 8, line 34, by striking the word "a."
17. Page 9, line 4, by striking the figure "1."
19. Page 9, line 10, by striking the figure 
   
   "(1)"
22. Title page, lines 3 and 4, by striking the words 
   
   ", and including effective date and retroactive applicability date provisions".
23. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H–8664.

Wise of Lee 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. 2687)

The ayes were, 97:

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       Huseman Huser     Jacobs
Jacoby        Jochum  Kaufmann  Kelley
Kressig       Kuhn    Lensing   Lukan
Lykam         May     McCarthy  Mertz
Miller, H.    Miller, L. Murphy, Spkr. Oldson
Olson, D.     Olson, R. Murphy, S. Olson, T.
Palmer        Paulsen 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   Wente     Wessel-Kroeschell
Whitaker      Whitead Wiencek   Winckler
Windschitl    Wise    Worthan   Zirkelbach
Petersen
Presiding

The nays were, 2:

Hunter       Mascher

Absent or not voting, 1:

Roberts

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

HOUSE RECEDES

Winckler of Scott called up for consideration 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, amended by the House and moved that the House recede from its amendment.

Speaker Murphy in the chair at 2:21 p.m.

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question “Shall the House recede from its amendment?” (S.F. 2216)

The ayes were, 50:

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The nays were, 49:

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Absent or not voting, 1:

Roberts

The motion prevailed and the House recedes.

Winckler 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. 2216)

The ayes were, 51:

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<td>Winckler</td>
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<td>Wise</td>
<td>Zirkelbach</td>
<td>Mr. Speaker</td>
<td>Murphy</td>
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The nays were, 47:

<table>
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<th>Alons</th>
<th>Anderson</th>
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Absent or not voting, 2:

Roberts       Swaim

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: House File 2687 and Senate File 2216.

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 10, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2647, A bill for an act relating to and making appropriations to the judicial branch.

MICHAEL E. MARSHALL, Secretary

Appropriations Calendar

Senate File 2424, a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates, with report of committee recommending amendment and passage, was taken up for consideration.

Jochum of Dubuque offered amendment H–8578 filed by the committee on state government as follows:

H–8578

Amend Senate File 2424, as passed by the Senate, as follows:

1. Page 31, by inserting after line 20 the following:

"Sec. 97B.80C, subsection 3, Code 2007, is amended by adding the following new
NEW PARAGRAPH. cc. For a member making contributions for a purchase of permissive service credit for qualified service as described in subsection 1, paragraph "c", subparagraph (1), subparagraph subdivision (h), in which, prior to July 1, 1998, the member received a refund of the member's accumulated contributions and subsequently returned to covered employment as a full-time employee for whom coverage under this chapter was mandatory the member shall receive a credit against the actuarial cost of the service purchase equal to the amount of the member's employer's accumulated contributions which were not paid to the member as a refund pursuant to section 97B.53 plus interest as calculated pursuant to section 97B.70."

2. Page 36, by inserting after line 10 the following:

"Sec. 411.15, Code 2007, is amended to read as follows:

411.15 HOSPITALIZATION AND MEDICAL ATTENTION. Cities shall be responsible for any hospital, nursing, and medical attention for the members of the police and fire departments of the cities, when injured while in the performance of their duties as members of such department, and shall continue to be responsible for any hospital, nursing, and medical attention for injuries or diseases incurred while in the performance of their duties for members receiving a retirement allowance under section 411.6, subsection 6. Cities may purchase insurance, by self-insuring the obligation, or through payment of moneys into a local government risk pool established for the purpose of covering the costs associated with the requirements of this section. However, the cost of the hospital, nursing, and medical attention required by this section shall not be funded through an employee-paid health insurance policy. The cost of providing the hospital, nursing, and medical attention required by this section shall be paid from moneys held in a trust and agency fund established pursuant to section 384.6,

or out of the appropriation for the department to which the injured person belongs or belonged; provided that any amounts received by the injured person under the workers' compensation law of the state, or from
any other source for such specific purposes, shall be
deducted from the amount paid by the city under the
provisions of this section.”
3. By renumbering as necessary.

Jochum of Dubuque offered the following amendment H–8628, to the committee amendment H–8578, filed by her and moved its adoption:

H–8628

1. Amend the amendment, H–8578, to Senate File 2424, as passed by the Senate, as follows:
2. Page 1, by inserting after line 22 the following:
3. “Page 33, by inserting after line 13 the following:
4. “4. The section of this Act enacting section 97B.80C, subsection 3, paragraph cc, takes effect January 1, 2009.””
5. 2. By renumbering as necessary.

Amendment H–8628 was adopted.

Jochum of Dubuque offered the following amendment H–8583, to the committee amendment H–8578, filed by her and moved its adoption:

H–8583

1. Amend the amendment, H–8578, to Senate File 2424, as passed by the Senate, as follows:
2. Page 1, by striking line 28 and inserting the following: "Cities shall provide".
3. Page 1, by striking line 33 and inserting the following: "continue to provide hospital.".

Amendment H–8583 was adopted.

On motion by Jochum of Dubuque, the committee amendment H–8578, as amended, was adopted.

Boal of Polk offered the following amendment H–8626 filed by Boal et al., and moved its adoption:
Amend Senate File 2424, as passed by the Senate, as follows:

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

"DIVISION I
PUBLIC SAFETY PEACE OFFICERS’ RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM

Section 1. Section 97A.1, subsection 14, Code 2007, is amended by striking the subsection.

Sec. 2. Section 97A.1, subsection 15, Code 2007, is amended to read as follows:

15. "Pensions" shall mean annual payments for life derived from the appropriations provided by the state of Iowa and from contributions of the members which are deposited in the pension accumulation retirement fund. All pensions shall be paid in equal monthly installments.

Sec. 3. Section 97A.5, subsections 3 and 4, Code 2007, are amended to read as follows:

3. COMPENSATION. The trustees shall serve as such without compensation, but they shall be reimbursed from the retirement fund for all necessary expenses which they may incur through service on the board.

4. RULES. The board of trustees shall, from time to time, establish such rules not inconsistent with this chapter, for the administration of the system and the retirement fund created by this chapter and as may be necessary or appropriate for the transaction of its business.

Sec. 4. Section 97A.5, subsection 6, paragraph a, Code 2007, is amended to read as follows:

a. The department of public safety shall keep in convenient form the data necessary for the actuarial valuation of the various funds of the system and for checking the expense of the system. The commissioner of public safety shall keep a record of all the acts and proceedings of the board, which records shall be open to public inspection. The board of trustees shall biennially make a report to the general assembly showing the fiscal transactions of the system for the preceding biennium, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the system.

Sec. 5. Section 97A.5, subsections 8, 9, 11, and 12, Code 2007, are amended to read as follows:

8. MEDICAL BOARD. The board of trustees shall designate a single medical provider network as the..."
medical board to be composed of three physicians who
for the system. The medical board shall arrange for
and pass upon all medical examinations required
under the provisions of this chapter and shall report
in writing to the board of trustees, its conclusions
and recommendations upon all matters duly referred to
it. For examinations required because of disability,
a physician from the medical board specializing in
occupational medicine, and a second physician
specializing in an appropriate field of medicine as
determined by the occupational medicine physician,
shall pass upon the medical examinations required for
disability retirements and shall report to the system
in writing their conclusions and recommendations upon
all matters referred to the medical board. Each
report of a medical examination under section 97A.6,
subsections 3 and 5, shall include the medical board’s
findings in accordance with section 97A.6 as to the
extent of the member’s physical impairment.

9. DUTIES OF ACTUARY. The actuary hired by the
board of trustees shall be the technical advisor of
the operation of the retirement fund created by the
provisions of this chapter and shall perform such
other duties as are required in connection therewith.

11. ACTUARIAL INVESTIGATION. At least once in
each two-year period, the actuary hired by the board
of trustees shall make an actuarial investigation in
the mortality, service, and compensation experience of
the members and beneficiaries of the system, and the
interest and other earnings on the moneys and other
assets of the system, and shall make a valuation of
the assets and liabilities of the retirement
fund of the system, and taking into account the
results of the investigation and valuation, the board
of trustees shall:

a. Adopt for the system, upon recommendation
of the system’s actuary, such actuarial methods and
assumptions, interest rate, and mortality and other
tables as shall be deemed necessary;

b. Certify the rates of contribution payable by
the state of Iowa in accordance with section 97A.8 to
conduct the actuarial valuation of the system.

12. ANNUAL ACTUARIAL VALUATION.
On the basis of the actuarial methods and
assumptions, rate of interest, and tables adopted by
the board of trustees, the actuary hired by the board
of trustees shall make an annual actuarial valuation
of the assets and liabilities of the funds of the system retirement fund created by this chapter. As a result of the annual actuarial valuation, the board of trustees shall certify the rates of contribution payable by the state of Iowa in accordance with section 97A.8.

Sec. 6. Section 97A.5, subsection 13, paragraphs b, c, and d, Code 2007, are amended to read as follows:
b. The funds retirement fund established in section 97A.8 shall be held in trust for the benefit of the members of the system and the members' beneficiaries. No part of the corpus or income of the funds retirement fund shall be used for, or diverted to, purposes other than for the exclusive benefit of the members or the members' beneficiaries or for expenses incurred in the operation of the funds retirement fund. A person shall not have any interest in, or right to, any part of the corpus or income of the funds retirement fund except as otherwise expressly provided.
c. Notwithstanding any provision of this chapter to the contrary, in the event of a complete discontinuance of contributions, for reasons other than achieving fully funded status upon an actuarially determined basis, or upon termination of the funds retirement fund established in section 97A.8, a member shall be vested, to the extent then funded, in the benefits which the member has accrued at the date of the discontinuance or termination.
d. Benefits payable from the funds retirement fund established in section 97A.8 to members and members' beneficiaries shall not be increased due to forfeitures from other members. Forfeitures shall be used as soon as possible to reduce future contributions by the state to the pension accumulation retirement fund, except that the rate shall not be less than the minimum rate established in section 97A.8.

Sec. 7. Section 97A.5, subsection 14, Code 2007, is amended to read as follows:
14. INVESTMENT CONTRACTS. The board of trustees may execute contracts and agreements with investment advisors, consultants, and investment management and benefit consultant firms in the administration of the funds retirement fund established in section 97A.8.

Sec. 8. Section 97A.6, subsection 7, Code 2007, is amended by adding the following new paragraph:
NEW PARAGRAPH. d. Should a disability beneficiary
48 under age fifty-five be employed in a public safety
49 occupation, the disability beneficiary's retirement
50 allowance shall cease. Notwithstanding any provision

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1 of this chapter to the contrary, if a disability
2 beneficiary is employed in a public safety occupation
3 that would otherwise constitute membership service,
4 the disability beneficiary shall not become a member
5 of the system. For purposes of this paragraph,
6 "public safety occupation" means a peace officer, as
7 defined in section 97A.1; a protection occupation, as
8 defined in section 97B.49B; a sheriff or deputy
9 officer or fire fighter as defined in section 411.1,
10 who was not restored to active service as provided by
11 this subsection.
12 Sec. 9. Section 97A.6, subsection 11, Code 2007,
13 is amended to read as follows:
14 11. PENSIONS OFFSET BY COMPENSATION BENEFITS. Any
15 amounts which may be paid or payable by the state
16 under the provisions of any workers' compensation or
17 similar law to a member or to the dependents of a
18 member on account of any disability or death, shall be
19 offset against and payable in lieu of any benefits
20 payable out of funds the retirement fund provided by
21 the state under the provisions of this chapter on
22 account of the same disability or death. In case the
23 present value of the total commuted benefits under
24 said workers' compensation or similar law is less than
25 the pension reserve on present value of the benefits
26 otherwise payable from funds the retirement fund
27 provided by the state under this chapter, then the
28 present value of the commuted payments shall be
29 deducted from the pension reserve payable and such
30 benefits as may be provided by the pension reserve
31 system so reduced shall be payable under the
32 provisions of this chapter.
33 Sec. 10. Section 97A.7, subsections 1, 2, and 3,
34 Code Supplement 2007, are amended to read as follows:
35 1. The board of trustees shall be the trustees of
36 the several funds retirement fund created by this
37 chapter as provided in section 97A.8 and shall have
38 full power to invest and reinvest such funds subject
39 to the terms, conditions, limitations, and
40 restrictions imposed by subsection 2 of this section
41 and chapter 12F, and subject to like terms,
42 conditions, limitations, and restrictions said
43 trustees shall have full power to hold, purchase,
44 sell, assign, transfer, or dispose of any of the
securities and investments in which any of the funds created herein shall retirement fund which have been invested, as well as of the proceeds of said investments and any moneys belonging to said funds the retirement fund. The board of trustees may authorize

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1. the treasurer of state to exercise any of the duties of this section. When so authorized the treasurer of state shall report any transactions to the board of trustees at its next monthly meeting.

2. The several funds retirement fund created by this chapter may be invested in any investments authorized for the Iowa public employees' retirement system in section 97B.7A.

3. The treasurer of the state shall be the custodian of the several funds retirement fund. All payments from said funds the retirement fund shall be made by the treasurer only upon vouchers signed by two persons designated by the board of trustees. A duly attested copy of the resolution of the board of trustees designating such persons and bearing on its face specimen signatures of such persons shall be filed with the treasurer of state as the treasurer's authority for making payments on such vouchers. No voucher shall be drawn unless it shall previously have been allowed by resolution of the board of trustees.

Sec. 11. Section 97A.8, Code 2007, is amended to read as follows:

97A.8 METHOD OF FINANCING.

There is hereby created as a special fund, separate and apart from all other public moneys or funds of this state, the peace officers' retirement, accident, and disability system retirement fund, hereafter called the "retirement fund". All the assets of the system created and established by this chapter shall be credited according to the purpose for which they are held to one of three funds, namely, the pension accumulation fund, the pension reserve fund, and the expense to the retirement fund.

1. PENSION ACCUMULATION FUND. The pension accumulation fund shall be the fund in which shall be accumulated all moneys for the payment of all pensions and other benefits payable from contributions made by the state and from which shall be paid the lump-sum death benefits for all members payable from the said contributions shall be accumulated in the retirement fund. The refunds and benefits for all members and beneficiaries shall be payable from the retirement fund. Contributions to and payments from the pension accumulation retirement fund shall be as
a. On account of each member there shall be paid annually into the pension accumulation retirement fund by the state of Iowa an amount equal to a certain percentage of the earnable compensation of the member to be known as the "normal contribution". The rate percent of such contribution shall be fixed on the basis of the liabilities of the retirement system as shown by annual actuarial valuations.

b. (1) On the basis of the actuarial methods and assumptions, rate of interest, and of the mortality, interest, and other tables adopted by the board of trustees, the board of trustees, upon the advice of the actuary hired by the board for that purpose, shall make each valuation required by this chapter pursuant to the requirements of section 97A.5 and shall immediately after making such valuation, determine the "normal contribution rate". The normal contribution rate shall be the rate percent of the earnable compensation of all members obtained by deducting from the total liabilities of the fund the sum of the amount of the funds in hand to the credit of the fund and dividing the remainder by one percent of the present value of the prospective future compensation of all members as computed on the basis of the rate of interest and of mortality and service tables adopted by the board of trustees, all equal to the rate required by the system to discharge its liabilities, stated as a percentage of the earnable compensation of all members, and reduced by the employee contribution made pursuant to rate provided in this subsection. However, the normal rate of contribution shall not be less than seventeen percent. The normal rate of contribution shall be determined by the board of trustees after each valuation. To assist in determining the normal rate of contribution, the board of trustees may adopt a smoothing method for valuing the assets of the system. The smoothing method is designed to reduce changes in the normal contribution rate which could result from fluctuations in the market value of the assets of the system.

(2) Notwithstanding the provisions of subparagraph (1) to the contrary, the normal contribution rate shall be as follows:

(a) For the fiscal year beginning July 1, 2008, nineteen percent.
(b) For the fiscal year beginning July 1, 2009,
twenty-one percent.
(c) For the fiscal year beginning July 1, 2010, twenty-three percent.
(d) For the fiscal year beginning July 1, 2011, twenty-five percent.
(e) For each fiscal year beginning on or after July 1, 2012, the lesser of twenty-seven percent or the normal contribution rate as calculated pursuant to subparagraph (1).

c. The total amount payable in each year to the pension accumulation retirement fund shall not be less than the rate percent known as the normal contribution rate of the total compensation earnable by all members during the year. However, the aggregate payment by the state shall be sufficient when combined with the amount in the retirement fund to provide the pensions and other benefits payable out of the retirement fund during the then current year.

d. All lump-sum death benefits on account of death in active service payable from contributions of the state shall be paid from the pension accumulation retirement fund.

e. Upon the retirement or death of a member an amount equal to the pension reserve on any pension payable to the member or on account of the member’s death shall be transferred from the pension accumulation fund to the pension reserve fund.

f. e. Except as otherwise provided in paragraph "g":

(1) An amount equal to three and one-tenth percent of each member’s compensation from the earnable compensation of the member shall be paid to the pension accumulation retirement fund for the fiscal year beginning July 1, 1989.

(2) An amount equal to four and one-tenth percent of each member’s compensation from the earnable compensation of the member shall be paid to the pension accumulation retirement fund for the fiscal year beginning July 1, 1990.

(3) An amount equal to five and one-tenth percent of each member’s compensation from the earnable compensation of the member shall be paid to the pension accumulation retirement fund for the fiscal year beginning July 1, 1991.

(4) An amount equal to six and one-tenth percent of each member’s compensation from the earnable compensation of the member shall be paid to the
pension accumulation retirement fund for the fiscal year beginning July 1, 1992.

(5) An amount equal to seven and one-tenth percent of each member's compensation from the earnable compensation of the member shall be paid to the pension accumulation retirement fund for the fiscal year beginning July 1, 1993.

(6) An amount equal to eight and one-tenth percent of each member's compensation from the earnable compensation of the member shall be paid to the pension accumulation retirement fund for the fiscal period beginning July 1, 1994, through December 31, 1994, and an amount equal to eight and thirty-five hundredths percent of each member's compensation from the earnable compensation of the member shall be paid to the pension accumulation retirement fund for the fiscal period beginning January 1, 1995, through June 30, 1995.

(7) An amount equal to nine and thirty-five hundredths percent of each member's compensation from the earnable compensation of the member shall be paid to the pension accumulation retirement fund for the fiscal year beginning July 1, 1995.

(8) Notwithstanding any other provision of this chapter, beginning July 1, 1996, and each fiscal year thereafter, an amount equal to the member's contribution rate times each member's compensation from the earnable compensation of the member shall be paid to the pension accumulation retirement fund. For the purposes of this subparagraph, the member's contribution rate shall be nine and thirty-five hundredths percent. However, the system shall increase the member's contribution rate as necessary to cover any increase in cost to the system resulting from statutory changes which are enacted by any session of the general assembly meeting after January 1, 1995, if the increase cannot be absorbed within the contribution rates otherwise established pursuant to this paragraph, but subject to a maximum employee contribution rate of eleven and three-tenths percent. After the employee contribution reaches eleven and three-tenths percent, sixty percent of the additional cost of such statutory changes shall be paid by the employer under paragraph "c" and forty percent of the additional cost shall be paid by employees under this paragraph subparagraph (8).

The board of trustees shall certify to the
The director of the department of administrative services and the director of the department of administrative services shall cause to be deducted from the earnable compensation of each member the contribution required under this subsection and shall forward the contributions to the board of trustees for recording and for deposit in the pension accumulation retirement fund.

The deductions provided for under this subsection shall be made notwithstanding that the minimum compensation provided by law for any member is reduced. Every member is deemed to consent to the deductions made under this section.

Notwithstanding the provisions of paragraph “f,” the following transition percentages apply to members’ contributions as specified:

1. For members who on July 1, 1990, have attained the age of forty-nine years or more, an amount equal to nine and one-tenth percent of each member’s compensation from the earnable compensation of the member shall be paid to the pension accumulation retirement fund for the fiscal period beginning July 1, 1990, through October 15, 1992, and commencing October 16, 1992, and for each subsequent fiscal period, the rates specified in paragraph “f,” subparagraphs (4) through (8), shall apply.

2. For members who on July 1, 1990, have attained the age of forty-eight years but have not attained the age of forty-nine years, an amount equal to eight and one-tenth percent shall be paid for the fiscal year beginning July 1, 1990, and an amount equal to nine and one-tenth percent shall be paid for the fiscal period beginning July 1, 1991, and October 15, 1992, and commencing October 16, 1992, and for each subsequent fiscal period, the rates specified in paragraph “f,” subparagraphs (4) through (8), shall apply.

3. For members who on July 1, 1990, have attained the age of forty-seven years but have not attained the age of forty-eight years, an amount equal to seven and one-tenth percent shall be paid for the fiscal year beginning July 1, 1990, an amount equal to eight and one-tenth percent shall be paid for the fiscal period beginning July 1, 1991, and an amount equal to nine and one-tenth percent shall be paid for the fiscal period beginning July 1, 1992, and commencing October 16, 1992, and for each subsequent fiscal period, the rates specified in paragraph “f,” subparagraphs (4) through (8), shall apply.
subsequent fiscal period, the rates specified in paragraph "e", subparagraphs (4) through (8), shall apply.

(4) For members who on July 1, 1990, have attained the age of forty-six years but have not attained the age of forty-seven years, an amount equal to six and one-tenth percent shall be paid for the fiscal year beginning July 1, 1990, an amount equal to seven and one-tenth percent shall be paid for the fiscal year beginning July 1, 1991, an amount equal to eight and one-tenth percent shall be paid for the fiscal year beginning July 1, 1992, through October 15, 1992, and commencing October 16, 1992, and for each subsequent fiscal period, the rates specified in paragraph "e", subparagraphs (4) through (8), shall apply.

(5) For members who on July 1, 1990, have attained the age of forty-five years but have not attained the age of forty-six years, an amount equal to five and one-tenth percent shall be paid for the fiscal year beginning July 1, 1990, an amount equal to six and one-tenth percent shall be paid for the fiscal year beginning July 1, 1991, and an amount equal to seven and one-tenth percent shall be paid for the fiscal period beginning July 1, 1992, through October 15, 1992. Commencing October 16, 1992, and for each subsequent fiscal period, the rates specified in paragraph "e", subparagraphs (4) through (8), shall apply.

(1) Notwithstanding paragraph "g" or other provisions of this chapter, beginning January 1, 1995, for federal income tax purposes, and beginning January 1, 1999, for state income tax purposes, member contributions required under paragraph "e" or "h" which are picked up by the department shall be considered employer contributions for federal and state income tax purposes, and the department shall pick up the member contributions to be made under paragraph "e" or "h" by its employees. The department shall pick up these contributions by reducing the salary of each of its employees covered by this chapter by the amount which each employee is required to contribute under paragraph "e" or "h", and shall certify the amount picked up in lieu of the member contributions to the department of administrative services. The department of administrative services shall forward the amount of the contributions picked up to the board of trustees.
for recording and deposit in the pension accumulation retirement fund.

(2) Member contributions picked up by the department under subparagraph (1) shall be treated as employer contributions for federal and state income tax purposes only and for all other purposes of this chapter shall be treated as employee contributions and deemed part of the employee's earnable compensation or salary.

2. PENSION RESERVE FUND. The pension reserve fund shall be the fund in which shall be held the reserves on all pensions granted to members or to their beneficiaries and from which such pensions and benefits in lieu thereof shall be paid. Should a beneficiary retired on account of disability be restored to active service and again become a member of the system, the member's pension reserve shall be transferred from the pension reserve fund to the pension accumulation fund. Should the pension of a disability beneficiary be reduced as a result of an increase in the beneficiary's amount earned, the amount of the annual reduction in the beneficiary's pension shall be paid annually into the pension accumulation fund during the period of such reduction.

3. EXPENSE FUND. The expense fund shall be the fund to which shall be credited all money provided by the state of Iowa to pay the administration expenses of the system and from which shall be paid all expenses necessary in connection with the administration and operation of the system shall be paid from the retirement fund. Biennially the board of trustees shall estimate the amount of money necessary to be paid into the expense fund during the ensuing biennium to provide for the expense of operation of the system. Investment management expenses shall be charged to the investment income of the system and there is appropriated from the system an amount required for the investment management expenses. The board of trustees shall report the investment management expenses for the fiscal year as a percent of the market value of the system.

b. For purposes of this subsection, investment management expenses are limited to the following:

(1) Fees for investment advisors, consultants, and investment management and benefit consultant firms hired by the board of trustees in administering this chapter.

(2) Fees and costs for safekeeping fund
...assets.
30. (3) Costs for performance and compliance
31. monitoring, and accounting for fund investments.
32. (4) Any other costs necessary to prudently
33. invest or protect the assets of the fund.
34. Sec. 12. Section 97A.11, Code 2007, is amended to
35. read as follows:
36. 97A.11 CONTRIBUTIONS BY THE STATE.
37. On or before the first day of November in each
38. year, the board of trustees shall certify to the
39. director of the department of administrative services
40. the amounts which will become due and payable during
41. the year next following to the pension accumulation
42. retirement fund and the expense fund. The amounts so
43. certified shall be paid by the director of the
44. department of administrative services out of the funds
45. appropriated for the Iowa department of public safety,
46. to the treasurer of state, the same to be credited to
47. the system for the ensuing year.
48. Sec. 13. Section 97A.12, Code 2007, is amended to
49. read as follows:
50. 97A.12 EXEMPTION FROM EXECUTION AND OTHER PROCESS

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1. OR ASSIGNMENT – EXCEPTIONS.
2. The right of any person to a pension, annuity, or
3. retirement allowance, to the return of contributions,
4. the pension, annuity, or retirement allowance itself,
5. any optional benefit or death benefit, any other right
6. accrued or accruing to any person under this chapter,
7. and the moneys in the various funds retirement fund
8. created under this chapter, are not subject to
9. execution, garnishment, attachment, or any other
10. process whatsoever, and are unassignable except for
11. the purposes of enforcing child, spousal, or medical
12. support obligations or marital property orders, or as
13. otherwise specifically provided in this chapter. For
14. the purposes of enforcing child, spousal, or medical
15. support obligations, the garnishment or attachment of
16. or the execution against compensation due a person
17. under this chapter shall not exceed the amount
20. read as follows:
21. 97A.14 HOSPITALIZATION AND MEDICAL ATTENTION.
22. The board of trustees shall provide hospital,
23. nursing, and medical attention for the members in
24. service when injured while in the performance of their
25. duties and shall continue to provide hospital,
nursing, and medical attention for injuries or
diseases incurred while in the performance of their
duties for the members receiving a retirement
allowance under section 97A.6, subsection 6. The cost
of hospital, nursing, and medical attention shall be
paid out of the expense retirement fund. However, any
amounts received by the injured person under the
workers' compensation law of the state, or from any
other source for such specific purposes, shall be
deducted from the amount paid by the board of trustees
provisions of this section.
Sec. 15. Section 97A.14A, subsection 5, Code 2007,
is amended to read as follows:
5. All funds recovered by the system under this
section shall be deposited in the pension accumulation
retirement fund created in section 97A.8.
Sec. 16. Section 97A.15, subsection 2, paragraph
a, Code 2007, is amended to read as follows:
a. "Accumulated contributions" means the sum of
all amounts deducted from the compensation of a member
and credited to the member's individual account in the
annuity savings fund together with regular interest
thereon as provided in this subsection. Accumulated
contributions do not include any amount deducted from
the compensation of a member and credited to the

pension accumulation retirement fund.
Sec. 17. Section 97A.15, subsection 8, Code 2007,
is amended to read as follows:
8. The actuary shall annually determine the amount
required in the annuity reserve fund. If the amount
required is less than the amount in the annuity
reserve fund, the board of trustees shall transfer the
excess funds from the annuity reserve fund to the
pension accumulation retirement fund. If the amount
required is more than the amount in the annuity
reserve fund, the board of trustees shall transfer the
amount prescribed by the actuary to the annuity
reserve fund from the pension accumulation retirement
fund.

DIVISION II
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Sec. 18. Section 97B.1A, subsection 20, paragraph
a, Code 2007, is amended to read as follows:
a. Service in the armed forces of the United
States, if the employee was employed by a covered
employer immediately prior to entry into the armed
forces, and if any of the following requirements
are met:
(1) The employee was released from service and
returns to covered employment with an employer within
twelve months of the date on which the employee has
the right of release from service or within a longer
period as required by the applicable laws of the
United States.
(2) The employee, while serving on active duty in
the armed forces of the United States in an area
designated by the president of the United States or
the United States Congress as a combat zone or as a
qualified hazardous duty area, or deployed outside the
United States away from the individual’s permanent
duty station while participating in an operation
designated by the United States secretary of defense
as a contingency operation as defined in 10 U.S.C. §
101(a)(13), or which became such a contingency
operation by the operation of law, dies, or suffers an
injury or acquires a disease resulting in death, so
long as the death from the injury or disease occurs
within a two-year period from the date the employee
suffered the active duty injury or disease and the
active duty injury or disease prevented the employee
from returning to covered employment as provided in
subsection (1).
Sec. 19. Section 97B.1A, subsection 26, paragraph
a, subparagraph (2), subparagraph subdivision (i),
Code 2007, is amended to read as follows:

(i) Payments for allowances made to an employee
that are not included in an employee’s federal taxable
income except for those allowances included as wages
for a member of the general assembly.
Sec. 20. Section 97B.1A, subsection 26, paragraph
a, subparagraph (2), Code 2007, is amended by adding
the following new subparagraph subdivision:
NEW SUBPARAGRAPH SUBDIVISION. (n) Bonuses of any
type, whether paid in a lump sum or in installments.
Sec. 21. Section 97B.4, subsection 2, Code
Supplement 2007, is amended by adding the following
new paragraph:
NEW PARAGRAPH. d. In administering this chapter,
the system shall not be a participating agency for
purposes of chapter 8A, subchapter II.
Sec. 22. Section 97B.9, subsections 1 and 2, Code
2007, are amended to read as follows:
1. An employer shall be charged the greater of ten
twenty dollars per occurrence or interest at the
combined interest and dividend rate required under
section 97B.70 for the applicable calendar year for
contributions unpaid on the date on which they are due
and payable as prescribed by the system. The system
may adopt rules prescribing circumstances for which the interest or charge shall not accrue with respect to contributions required. Interest or charges collected pursuant to this section shall be paid into the Iowa public employees’ retirement fund.

2. If within thirty days after due notice the employer defaults in payment of contributions or interest thereon, the amount due may be collected by civil action in the name of the system, and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect contributions or interest thereon shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions.

Sec. 23. Section 97B.10, subsection 3, Code 2007, is amended to read as follows:

3. Except as provided in this subsection, interest shall not be paid on credits issued pursuant to this section. However, if a credit for contributions paid prior to an individual’s decision to elect out of coverage pursuant to section 97B.42A is issued, accumulated interest and interest on dividends as provided in section 97B.70 shall apply. In addition, the system may, at any time, apply accumulated interest and interest dividends as provided in section 97B.70 on any credits issued under this section if the system finds that the crediting of interest is just and equitable.

Sec. 24. Section 97B.14, Code 2007, is amended to read as follows:

97B.14 CONTRIBUTIONS FORWARDED.

Contributions deducted from the wages of the member under section 97B.11 prior to January 1, 1995, member contributions picked up by the employer under section 97B.11A beginning January 1, 1995, and the employer’s contribution shall be forwarded to the system for recording and deposited with the treasurer of the state to the credit of the Iowa public employees’ retirement fund. Contributions shall be remitted monthly, if total contributions by both employee and employer amount to one hundred dollars or more each month, and shall be otherwise paid in such manner, at such times, and under such conditions, either by copies of payrolls or other methods necessary or helpful in securing proper identification of the member, as may be prescribed by the system.

Sec. 25. Section 97B.33, Code 2007, is amended to
read as follows:

97B.33 CERTIFICATION TO DIRECTOR PAYMENT TO INDIVIDUALS.

Upon final decision of the system, or upon final judgment of any court of competent jurisdiction, that any person is entitled to any payment or payments under this chapter, the system shall certify to the director of the department of administrative services the name and address of the person so entitled to receive such payment or payments, the amount of such payment or payments, and the time at which such payment or payments should be made, and the system, through the director of the department of administrative services, shall make payment in accordance with the certification of the system to the person, provided that where judicial review of the system's decision is or may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, certification of payment may be withheld pending such review. The director of the department of administrative services shall not be held personally liable for any payment or payments made in accordance with a certification by the system.

Sec. 26. Section 97B.34A, subsections 1 and 2, Code 2007, are amended to read as follows:

1. If the total sum to be paid to the minor is less than ten the greater of twenty-five thousand dollars or the maximum amount permitted under section 565B.7, subsection 3, the funds may be paid to an adult as custodian for the minor. The custodian must complete the proper forms as determined by the system.

2. If the total sum to be paid to the minor is equal to or more than ten thousand dollars the amount authorized in subsection 1, the funds must be paid to a court-established conservator. The system shall not make payment until the conservatorship has been established and the system has received the appropriate documentation.

Sec. 27. Section 97B.38, Code 2007, is amended to read as follows:

97B.38 FEES FOR SERVICES.

The system may, by rule, prescribe reasonable fees which may be charged for production costs incurred, including staff time and materials, associated with performing its duties under this chapter for active, inactive, and retired members, beneficiaries, and the general public, where such production costs are more than de minimis, as determined by the system.
Sec. 28. Section 97B.49B, subsection 1, paragraph e, Code 2007, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (9) A jailer or detention officer who performs duties as a jailer, including but not limited to the transportation of inmates, who is certified as having completed jailer training pursuant to chapter 80B, and who is employed by a county as a jailer.

NEW SUBPARAGRAPH. (10) An employee covered by the merit system as provided in chapter 8A, subchapter IV, whose primary duty is providing security at Iowa national guard installations and facilities and who carries or is licensed to carry a firearm while performing those duties.

NEW SUBPARAGRAPH. (11) An emergency medical care provider who provides emergency medical services, as defined in section 147A.1, and who is not a member of the retirement systems established in chapter 410 or 411.

NEW SUBPARAGRAPH. (12) An investigator employed by a county attorney’s office who is a certified law enforcement officer and who is deputized as an investigator for the county attorney’s office by the sheriff of the applicable county.

Sec. 29. Section 97B.49F, subsection 1, paragraph b, subparagraph (2), subparagraph subdivision (b), Code 2007, is amended to read as follows:

(b) The percentage representing the percentage amount the actuary has certified, in the annual actuarial valuation of the retirement system as of June 30 of the year in which the dividend is to be paid, that the fund can absorb without requiring an increase in the employer and employee contributions to the fund. The actuary's certification of such percentage amount shall be based on a comparison of the actuarially required contribution rate for the fiscal year of the dividend adjustment to the statutory contribution rate for that same fiscal year. If the actuarially required contribution rate exceeds the statutory contribution rate for that same fiscal year, the percentage amount shall be zero.

Sec. 30. Section 97B.49H, subsection 3, Code 2007, is amended to read as follows:

3. The system shall annually determine the amount to be credited to the supplemental accounts of active members. The total amount credited to the supplemental accounts of all active members shall not exceed the amount that the system determines, in
consultation with the system’s actuary, can be absorbed without significantly impacting the funded status of leaves the system fully funded following the crediting of the total amount to the supplemental accounts. The amount to be credited shall not be greater than the amount calculated by multiplying the member’s covered wages for the applicable wage reporting period by the supplemental rate. For purposes of this subsection, the supplemental rate is the difference, if positive, between the combined employee and employer statutory contribution rates in effect under section 97B.11 and the normal cost rate of the retirement system as determined by the system’s actuary in the most recent annual actuarial valuation of the retirement system. The credits shall be made at least quarterly to each member’s account at the time that covered wages are reported for each wage reporting period during the calendar year following a determination that the retirement system does not have an unfunded accrued liability will remain fully funded following the crediting of the total amount to the supplemental accounts. The normal cost rate, calculated according to the actuarial cost method used, is the percent of pay allocated to each year of service that is necessary to fund projected benefits over all members’ service with the retirement system. Sec. 31. Section 97B.50, subsection 2, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. For a vested member who retires from the retirement system due to disability on or after July 1, 2009, and commences receiving disability benefits pursuant to the federal Railroad Retirement Act, 45 U.S.C. § 231 et seq., or the federal Social Security Act, 42 U.S.C. § 423 et seq., the system may require the vested member to certify on an annual basis continued eligibility for disability payments under the federal Railroad Retirement Act or the federal Social Security Act. If the vested member is under the age at which disability benefits are converted under the federal Social Security Act or the federal Railroad Retirement Act to retirement benefits and is no longer eligible for disability payments under either the federal Railroad Retirement Act or the federal Social Security Act, the vested member shall no longer be eligible to receive retirement benefits as provided by this subsection. If the system has paid retirement benefits to the member between the month the member was no longer eligible for payment pursuant to the federal Railroad
20 Retirement Act or the federal Social Security Act and
21 the month the system terminated retirement benefits
22 under this paragraph, the member shall return all
23 retirement benefits paid by the system following the
24 termination of such federal disability benefits, plus
25 interest. The system shall adopt rules pursuant to
26 chapter 17A to implement this paragraph.
27 Sec. 32. Section 97B.52, subsection 1, paragraph
28 a, unnumbered paragraphs 1 and 3, Code 2007, are
29 amended to read as follows:
30 A lump sum payment equal to the accumulated
31 contributions of the member at the date of death plus
32 the product of an amount equal to the highest year of
33 covered wages of the deceased member and the number of
34 years of membership service divided by the applicable
35 denominator. However, a lump sum payment made to a
36 beneficiary under this paragraph due to the death of a
37 member shall not be less than the amount that would
38 have been payable on the death of the member on June
39 30, 1984, under this paragraph as it appeared in the
40 1983 Code.
41 Effective July 1, 1978, a method of payment under
42 this paragraph filed with the system by a member does
43 not apply.
44 Sec. 33. Section 97B.53B, Code 2007, is amended to
45 read as follows:
46 97B.53B ROLLOVERS OF MEMBERS' ACCOUNTS.
47 1. As used in this section, unless the context
48 otherwise requires, and to the extent permitted by the
49 internal revenue service:
50 a. "Direct rollover" means a payment by the system
51 to the eligible retirement plan specified by the
52 member or the member's surviving spouse an eligible
53 person.
54 b. "Eligible person" means any of the following:
55 (1) The member.
56 (2) The member's surviving spouse.
57 (3) The member's spouse or former spouse as an
58 alternate payee under a qualified domestic relations
59 order.
60 (4) Effective January 1, 2007, the member's
61 nonspouse beneficiaries who are designated
62 beneficiaries as defined by section 401(a)(9)(E) of
63 the federal Internal Revenue Code, as authorized under
64 section 829 of the federal Pension Protection Act of
65 2006.
66 c. "Eligible retirement plan" means either for an
67 eligible person, any of the following retirement plans
68 that accepts can accept an eligible rollover
distribution from a member or a member's surviving spouse that eligible person:

(1) An individual retirement account in accordance with section 408(a) of the federal Internal Revenue Code.

(2) An individual retirement annuity in accordance with section 408(b) of the federal Internal Revenue Code.

(3) In addition, an "eligible retirement plan" includes an annuity plan in accordance with section 403(a) of the federal Internal Revenue Code, or a qualified trust in accordance with section 401(a) of the federal Internal Revenue Code, that accepts an eligible rollover distribution from a member.

(4) Effective January 1, 2002, the term "eligible retirement plan" also includes an annuity contract described in section 403(b) of the federal Internal Revenue Code, and an eligible plan under section 457(b) of the federal Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state that chooses to separately account for amounts transferred into such eligible retirement plan from the system.

(5) Effective January 1, 2008, a Roth individual retirement account or a Roth individual retirement annuity established under section 408A of the Internal Revenue Code.

d. (1) "Eligible rollover distribution" includes any of the following:

(a) All or any portion of a member's account and supplemental account.

(b) Effective January 1, 2002, after-tax employee contributions, if the plan to which such amounts are to be transferred is an individual retirement account described in federal Internal Revenue Code section 408(a) or 408(b), or is a qualified defined contribution plan described in federal Internal Revenue Code section 401(a) or 403(a), and such plan agrees to separately account for the after-tax amount so transferred.

(c) A distribution made on behalf of a surviving spouse and to an alternate payee, who is a spouse or former spouse, under a qualified domestic relations order. Effective January 1, 2007, after-tax employee contributions to a qualified defined benefit plan described in federal Internal Revenue Code section 401(a) or 403(a), or a tax-sheltered annuity plan described in federal Internal Revenue Code section...
403(b), and such plan agrees to separately account for
the after-tax amount so transferred.
(2) An eligible rollover distribution does not
include any of the following:
(a) A distribution that is one of a series of
substantially equal periodic payments, which occur
annually or more frequently, made for the life or life
expectancy of the distributee or the joint lives or
joint life expectancies of the distributee and the
distributee’s designated beneficiary, or made for a
specified period of ten years or more.
(b) A distribution to the extent that the
distribution is required pursuant to section 401(a)(9)
of the federal Internal Revenue Code.
(c) Prior to January 1, 2002, the portion of any
distribution that is not includible in the gross
income of the distributee, determined without regard
to the exclusion for net unrealized appreciation with
respect to employer securities.
2. Effective January 1, 1993, a member or a
member’s surviving spouse An eligible person may
elect, at the time and in the manner prescribed in
rules adopted by the system and in rules of the
receiving retirement plan, to have the system pay all
or a portion of an eligible rollover distribution
directly to an eligible retirement plan, specified by
the member or the member’s surviving spouse, in a
direct rollover. However, effective January 1, 2007,
if the eligible person is a nonspouse beneficiary as
described in subsection 1, paragraph “b”, subparagraph
(4), the nonspouse beneficiary may only have a direct
rollover of the distribution to an individual
retirement account or annuity as described in
subsections 1, paragraph “c”, subparagraphs (1), (2),
and (5), established for the purpose of receiving the
distribution on behalf of the nonspouse beneficiary.
and such individual retirement account or annuity will
be treated as an inherited individual retirement
account or annuity pursuant to section 829 of the
federal Pension Protection Act of 2006.
Sec. 34. Section 97B.80C, subsection 1, paragraph a, Code 2007, is amended to read as follows:
a. "Nonqualified service” means service that is
not qualified service and includes, but is not limited
to, any of the following:
(1) Full-time volunteer public service in the
federal peace corps program. Service that is not
qualified service.
(2) Public employment comparable to employment
covered under this chapter in a qualified Canadian governmental entity that is an elementary school, secondary school, college, or university that is organized, administered, and primarily supported by the provincial, territorial, or federal governments of Canada, or any combination of the same. Any period of time for which there was no performance of services.

(3) Service as described in subsection 1, paragraph "c", subparagraph (2).

Sec. 35. Section 97B.80C, subsection 2, Code 2007, is amended to read as follows:

2. a. A vested or retired member may make contributions to the retirement system to purchase up to the maximum amount of permissive service credit for qualified service as determined by the system, pursuant to Internal Revenue Code section 415(n), and the requirements of this section, and the system's administrative rules.

b. A vested or retired member of the retirement system who has five or more full calendar years of covered wages may make contributions to the retirement system to purchase up to five years a maximum of twenty quarters of permissive service credit for nonqualified service as determined by the system, pursuant to Internal Revenue Code section 415(n), and the requirements of this section, and the system's administrative rules. A vested or retired member must have at least twenty quarters of covered wages in order to purchase permissive service credit for nonqualified service.

c. A vested or retired member may convert regular member service credit to special service credit by payment of the amount actuarially determined as necessary to fund the resulting increase in the member's accrued benefit. The conversion shall be treated as a purchase of qualified service credit subject to the requirements of paragraph "a" if the service credit to be converted was or would have been for qualified service. The conversion shall be treated as a purchase of nonqualified service credit subject to the requirements of paragraph "b" if the service credit to be converted was purchased as nonqualified service credit.

Sec. 36. Section 97B.82, subsection 2, paragraph b, subparagraph (2), subdivision (c), Code 2007, is amended to read as follows:

(c) The For rollover service purchases prior to January 1, 2007, the portion of any distribution that is not includable in the gross income of the
distributee, determined without regard to the
exclusion for net unrealized appreciation with respect
to employer securities.

For rollover service purchases on or after January
1, 2007, the portion of any distribution that is not
includible in the gross income of the distributee,
determined without regard to the exclusion for net
unrealized appreciation with respect to employer
securities, shall be treated as an eligible rollover
distribution only when such portion is received from a
qualified plan under section 401(a) or 403(a) of the
federal Internal Revenue Code.

Sec. 37. Section 97B.82, subsection 3, Code 2007,
is amended to read as follows:

3. A member may purchase any service credit as
authorized by this section, to the extent permitted by
the internal revenue service, by means of a direct
transfer, excluding of pretax amounts, and effective
January 1, 2007, any after-tax contributions, from an
annuity contract qualified under federal Internal
Revenue Code section 403(b), or an eligible plan
described in federal Internal Revenue Code section
457(b), maintained by a state, political subdivision
of a state, or any agency or instrumentality of a
state or political subdivision of a state. A direct
transfer is a trustee-to-trustee transfer to the
retirement system of contributions made to annuity
contracts qualified under federal Internal Revenue
Code section 403(b) and eligible governmental plans
qualified under federal Internal Revenue Code section
457(b) for purposes of purchasing service credit in
the retirement system.

Sec. 38. Section 97B.73B, Code 2007, is repealed.
Sec. 39. IMPLEMENTATION PROVISION.

Notwithstanding any provision of section 97B.65 to the
contrary, the provisions of this division of this Act
shall be enacted and implemented by the Iowa public
employees' retirement system upon the effective dates
provided for the provisions of this division of this
Act.

Sec. 40. EFFECTIVE DATES – RETROACTIVE
APPLICABILITY.
1. The section of this Act amending section
97B.53B, being deemed of immediate importance, takes
effect upon enactment, and, except as otherwise
stated, is retroactively applicable to January 1,
2007, and is applicable on and after that date.
2. The sections of this Act amending section 97B.82, being deemed of immediate importance, take effect upon enactment, and are retroactively applicable to January 1, 2007, and are applicable on and after that date.

DIVISION III

STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM

Sec. 41. NEW SECTION. 411.10 PURCHASE OF SERVICE CREDIT FOR MILITARY SERVICE.

1. An active member of the system who has been a member of the retirement system five or more years may elect to purchase up to five years of service credit for military service, other than military service required to be recognized under Internal Revenue Code section 414(u) or under the federal Uniformed Services Employment and Reemployment Rights Act, that will be recognized by the retirement system for purposes of calculating a member's benefit, pursuant to Internal Revenue Code section 415(n) and the requirements of this section.

2. a. A member seeking to purchase service credit pursuant to this section shall file a written application with the system requesting an actuarial determination of the cost of a purchase of service credit. Upon receipt of the cost estimate for the purchase of service from the system, the member may make contributions to the system in an amount equal to the actuarial cost of the service credit purchase.

b. For purposes of this subsection, the actuarial cost of the service credit purchase is an amount determined by the system in accordance with actuarial tables, as reported to the system by the system's actuary, which reflects the actuarial cost necessary to fund an increased retirement allowance resulting from the purchase of service credit.

3. The system shall ensure that the member, in exercising an option provided in this section, does not exceed the amount of annual additions to a member's account permitted pursuant to section 415 of the federal Internal Revenue Code.

4. The board of trustees shall adopt rules providing for the implementation and administration of this section.

Sec. 42. Section 411.15, Code 2007, is amended to read as follows:

411.15 HOSPITALIZATION AND MEDICAL ATTENTION.

Cities shall provide hospital, nursing, and medical
attention for the members of the police and fire
departments of the cities, when injured while in the
performance of their duties as members of such
department, and shall continue to provide hospital,
nursing, and medical attention for injuries or
diseases incurred while in the performance of their
duties for members receiving a retirement allowance
under section 411.6, subsection 6. Cities may provide
fund the cost of the hospital, nursing, and medical
attention required by this section through the
purchase of insurance, by self-insuring the
obligation, or through payment of moneys into a local
government risk pool established for the purpose of
covering the costs associated with the requirements of
this section. However, the cost of the hospital,
nursing, and medical attention required by this
section shall not be funded through an employee-paid
health insurance policy. The cost of providing the
hospital, nursing, and medical attention required by
this section shall be paid from moneys held in a trust
and agency fund established pursuant to section 384.6,
or out of the appropriation for the department to
which the injured person belongs or belonged; provided
that any amounts received by the injured person under
the workers’ compensation law of the state, or
from any other source for such specific purposes, shall be
deducted from the amount paid by the city under the
provisions of this section.

DIVISION IV
JUDICIAL RETIREMENT SYSTEM
Sec. 43. Section 602.9104, subsection 1, paragraph
b, Code 2007, is amended to read as follows:
b. The state shall contribute annually to the
judicial retirement fund an amount equal to the
state’s required contribution for all judges covered
under this article. The state’s required contribution
shall be appropriated directly to the judicial
retirement fund by the general assembly.
Sec. 44. Section 602.9104, subsection 4,
paragraphs b, c, and e, Code 2007, are amended to read
as follows:

b. “Fully funded status” means that the most
recent actuarial valuation reflects that, using the
projected unit credit method in accordance with
generally recognized and accepted actuarial principles
and practices set forth by the American academy of
actuaries, the funded status of the system is at least
ninety one hundred percent, based upon the benefits provided for judges through the judicial retirement system as of July 1, 2006.

c. "Judge's required contribution" means an amount equal to the basic salary of the judge multiplied by the following applicable percentage:

(1) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, seven and seven-tenths percent.

(2) For the fiscal year beginning July 1, 2009, and ending June 30, 2010, eight and seven-tenths percent.

(3) For the fiscal year beginning July 1, 2010, and for each subsequent fiscal year until the system attains fully funded status, six percent multiplied by a fraction equal to the actual percentage rate contributed by the state for that fiscal year divided by twenty-three and seven-tenths percent.

(4) Commencing with the first fiscal year in which the system attains fully funded status, and for each subsequent fiscal year, the percentage rate equal to fifty forty percent of the required contribution rate.

e. "State's required contribution" means an amount equal to the basic salary of all judges covered under this article multiplied by the following applicable percentage:

(1) For the fiscal year beginning July 1, 2006, and for each subsequent fiscal year until the system attains fully funded status, twenty-three and seven-tenths percent.

(2) Commencing with the first fiscal year in which the system attains fully funded status, and for each subsequent fiscal year, the percentage rate equal to fifty sixty percent of the required contribution rate.

DIVISION V

MISCELLANEOUS PROVISIONS

Sec. 45. Section 8A.438, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

8A.438 TAX-SHELTERED INVESTMENT CONTRACTS.

1. The director may establish a tax-sheltered investment program for eligible employees. The director may arrange for the provision of investment vehicles authorized under section 403(b) of the Internal Revenue Code, as defined in section 422.3.
The department may offer the tax-sheltered investment program to eligible public employers in the state of Iowa.

2.  a. A special, separate tax-sheltered investment revolving trust fund is created in the state treasury under the control of the department. The fund shall consist of all moneys deposited in the fund pursuant to this section, any funds received from other entities in the state of Iowa, and interest and earnings thereon. The director is the trustee of the fund and shall administer the fund. Any loss to the fund shall be charged against the fund and the director shall not be personally liable for such loss.  

b. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Section 55.1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A person who is elected to a municipal, county, state, or federal office shall, upon written application to the employer of that person, be granted a leave of absence from regular employment to serve in that office except where prohibited by the federal law. The leave of absence may be granted without pay and, except that if a salaried employee takes leave without pay from regular employment for a portion of a pay period, the employee's salaried compensation for that pay period shall be reduced by the ratio of the number of days of leave taken to the total number of days in the pay period. The leave of absence shall be granted without loss of net credited service and benefits earned. This section shall not be construed to require an employer to pay pension, health or other benefits during the leave of absence to an employee taking a leave of absence under this section.

Section 97C.21, Code 2007, is amended to read as follows:

Notwithstanding any provision of this chapter to the contrary, an employer of elected officials otherwise excluded from the definition of employee as provided in section 97C.2, may, but is not required to, choose to provide benefits to those elected officials as employees as provided by this chapter. Alternatively, the governor may authorize a statewide referendum of the appointed and elected officials of...
the state and its political subdivisions on the
question of whether to include in or exclude from the
definition of employee all such positions. This
choice shall be reflected in the federal-state
agreement described in section 97C.3, and, if
necessary, in this chapter. An employer who is
providing benefits to elected officials otherwise
excluded from the definition of employee prior to July
1, 2002, shall not be deemed to be in an erroneous
reporting situation, and corrections for prior federal
social security withholdings shall not be required.
The implementation of this section shall be subject to
the approval of the federal social security
administration.

Sec. 48. Section 260C.14, subsection 9, Code 2007,
is amended by striking the subsection and inserting in
lieu thereof the following:

9. a. The board may establish a plan, in
accordance with section 403(b) of the Internal Revenue
Code, as defined in section 422.3, for employees,
which plan shall consist of one or more investment
contracts, on a group or individual basis, acquired
from a company, or a salesperson for that company,
that is authorized to do business in this state.
b. The selection of investment contracts to be
included within the plan established by the board
shall be made either pursuant to a competitive bidding
process conducted by the board, in coordination with
employee organizations representing employees eligible
to participate in the plan, or pursuant to an
agreement with the department of administrative
services to make available investment contracts
included in a deferred compensation or similar plan
established by the department pursuant to section
8A.438, which plan meets the requirements of this
subsection. The determination of whether to select
investment contracts for the plan pursuant to a
competitive bidding process or by agreement with the
department of administrative services shall be made by
agreement between the board and the employee
organizations representing employees eligible to
participate in the plan.
c. The board may make elective deferrals in
accordance with the plan as authorized by an eligible
employee for the purpose of making contributions to an
investment contract in the plan on behalf of the
employee. The deferrals shall be made in the manner
which will qualify contributions to the investment
In addition, the board may make nonelective employer contributions to the plan.

d. As used in this subsection, unless the context otherwise requires, “investment contract” shall mean a custodial account utilizing mutual funds or an annuity contract which meets the requirements of section 403(b) of the Internal Revenue Code, as defined in section 422.3.

Sec. 49. Section 273.3, subsection 14, Code 2007, is amended by striking the subsection and inserting in lieu thereof the following:

14. a. The board may establish a plan, in accordance with section 403(b) of the Internal Revenue Code, as defined in section 422.3, for employees, which plan shall consist of one or more investment contracts, on a group or individual basis, acquired from a company, or a salesperson for that company, that is authorized to do business in this state.

b. The selection of investment contracts to be included within the plan established by the board shall be made either pursuant to a competitive bidding process conducted by the board, in coordination with employee organizations representing employees eligible to participate in the plan, or pursuant to an agreement with the department of administrative services to make available investment contracts included in a deferred compensation or similar plan established by the department pursuant to section 8A.438, which plan meets the requirements of this subsection. The determination of whether to select investment contracts for the plan pursuant to a competitive bidding process or by agreement with the department of administrative services shall be made by agreement between the board and the employee organizations representing employees eligible to participate in the plan.

c. The board may make elective deferrals in accordance with the plan as authorized by an eligible employee for the purpose of making contributions to the investment contract on behalf of the employee. The deferrals shall be made in the manner which will qualify contributions to the investment contract for the benefits under section 403(b) of the Internal Revenue Code, as defined in section 422.3. In addition, the board may make nonelective employer contributions to the plan.

d. As used in this subsection, unless the context
otherwise requires, "investment contract" shall mean a custodial account utilizing mutual funds or an annuity contract which meets the requirements of section 403(b) of the Internal Revenue Code, as defined in section 422.3.

Sec. 50. Section 294.16, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

294.16 INVESTMENT CONTRACTS.

1. The school district may establish a plan, in accordance with section 403(b) of the Internal Revenue Code, as defined in section 422.3, for employees, which plan shall consist of one or more investment contracts, on a group or individual basis, acquired from a company, or a salesperson for that company, that is authorized to do business in this state.

2. The selection of investment contracts to be included within the plan established by the school district shall be made either pursuant to a competitive bidding process conducted by the school district, in coordination with employee organizations representing employees eligible to participate in the plan, or pursuant to an agreement with the department of administrative services to make available investment contracts included in a deferred compensation or similar plan established by the department pursuant to section 8A.438, which plan meets the requirements of this section. The determination of whether to select investment contracts for the plan pursuant to a competitive bidding process or by agreement with the department of administrative services shall be made by agreement between the school district and the employee organizations representing employees eligible to participate in the plan.

3. The school district may make elective deferrals in accordance with the plan as authorized by an eligible employee for the purpose of making contributions to the investment contract on behalf of the employee. The deferrals shall be made in the manner which will qualify contributions to the investment contract for the benefits under section 403(b) of the Internal Revenue Code, as defined in section 422.3. In addition, the school district may make nonelective employer contributions to the plan.

4. As used in this section, unless the context otherwise requires, "investment contract" shall mean a custodial account utilizing mutual funds or an annuity contract which meets the requirements of section 403(b) of the Internal Revenue Code, as defined in section 422.3.
contract which meets the requirements of section 403(b) of the Internal Revenue Code, as defined in section 422.3.

Sec. 51. TRANSITION PROVISIONS – INTERNAL REVENUE CODE SECTION 403(b) PLANS. Notwithstanding any provision of law to the contrary, the investment contracts to be included within a plan established pursuant to section 260C.14, subsection 9, section 273.3, subsection 14, or section 294.16, for the period beginning January 1, 2009, and ending December 31, 2009, shall be investment contracts selected by the department of administrative services from among the investment contracts included in a deferred compensation or similar plan established by the department of administrative services, which plan meets the requirements of section 403(b) of the Internal Revenue Code, as defined in section 422.3, or shall be from no more than five companies authorized to issue investment contracts as selected by the applicable employer and from no more than three companies authorized to issue investment contracts as selected by, and in the sole discretion of, the employee organizations representing the applicable employer's employees. Selection of companies and investment contracts for a plan shall be made in the best interests of employees eligible to participate in the plan. The determination of whether to select investment contracts for the plan for the period beginning January 1, 2009, and ending December 31, 2009, that are included in a deferred compensation or similar plan established by the department of administrative services or that are selected by the applicable employer and the employee organizations representing the applicable employer's employees, shall be made by an agreement entered into by August 15, 2008, between the applicable employer and the employee organizations representing the applicable employer's employees eligible to participate in the plan. Applicable employers shall have the authority to take such action as deemed necessary to establish, effective January 1, 2009, an eligible plan pursuant to section 260C.14, subsection 9, section 273.3, subsection 14, or section 294.16.

Sec. 52. DEPARTMENT OF ADMINISTRATIVE SERVICES – SELECTION OF INVESTMENT CONTRACT PROVIDERS FOR INTERNAL REVENUE CODE SECTION 403(b) PLANS.

1. The department of administrative services shall establish, by January 1, 2010, a plan, as authorized pursuant to section 8A.438 and in accordance with
section 403(b) of the Internal Revenue Code, as defined in section 422.3, for employees, which plan shall consist of one or more investment contracts, on a group or individual basis, acquired from a company, or a salesperson for that company, that is authorized to do business in this state, that is eligible to be utilized as a vendor of investment contracts for plans established pursuant to section 260C.14, subsection 9, section 273.3, subsection 14, or section 294.16.

2. The department of administrative services shall determine which vendors will be authorized to participate under the tax-sheltered investment program established by the department pursuant to section 8A.438. Employee organizations representing employees and employers participating in the programs authorized under sections 8A.433 and 8A.438 shall be allowed to assist the department in this decision, specific only to the initial competitive bid process that will determine the vendors that will be in the program as of January 1, 2010.

3. As used in this section, unless the context otherwise requires, "investment contract" shall mean a custodial account utilizing mutual funds or an annuity contract which meets the requirements of section 403(b) of the Internal Revenue Code, as defined in section 422.3.

Sec. 53. EFFECTIVE DATE.

1. The sections of this division of this Act amending section 260C.14, subsection 9, section 273.3, subsection 14, and section 294.16, take effect January 1, 2009.

2. The section of this division of this Act, enacting transition provisions relating to plans required to meet requirements for Internal Revenue Code section 403(b) plans, being deemed of immediate importance, takes effect upon enactment."

2. By renumbering as necessary.

Roll call was requested by Boal of Polk and Jacobs of Polk.

On the question “Shall amendment H–8626 be adopted?” (H.F. 2424)
The ayes were, 44:

Alons   Anderson   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  Wieneck    Windschitl Worthan

The nays were, 55:

Abdul-Samad  Arnold   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  Tomenga   Wendt    Wente
Wessel-Kroeschell Whitaker Whitead Winckler
Wise  Zirkelbach Mr. Speaker Murphy

Absent or not voting, 1:

Roberts

Amendment H–8626 lost.

Baudler of Adair offered the following amendment H–8575 filed by him and moved its adoption:

H–8575

1 Amend Senate File 2424, as passed by the Senate, as
2 follows:
3  1. Page 5, line 14, by inserting after the word
4  "death" the following: "except as otherwise provided
5 by this subsection".
6  2. Page 5, line 22, by inserting after the word
7  "chapter." the following: "However, a member
8 receiving an accidental disability benefit arising out
9 of an injury, disease, or exposure occurring or
aggravated on or after July 1, 2000, shall not have the member’s pension offset by amounts payable under workers’ compensation for a permanent partial disability or permanent total disability pursuant to section 85.34, for the same disability or death."

3. Page 16, by inserting after line 12 the following:

"Sec.____. EFFECTIVE DATE – RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 97A.6, subsection 11, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to July 1, 2000, and is applicable on and after that date."

4. By renumbering as necessary.

Amendment H–8575 lost.

Frevert of Palo Alto asked and received unanimous consent to withdraw amendment H–8624 filed by her on April 22, 2008.

Jacobs of Polk asked and received unanimous consent to withdraw amendment H–8576 filed by her on April 21, 2008.

Jacobs of Polk asked and received unanimous consent to withdraw amendment H–8625 filed by her on April 22, 2008.

Jochum 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. 2424)

The ayes were, 55:

Abdul Samad
Bukta
Foege
Gayman
Jacoby
Kuhn
McCarthy
Olson, D.
Petersen
Schueller
Swaim
Tjepkes

Bailey
Cohoon
Ford
Heddens
Jochum
Lensing
Mertz
Olson, R.
Quirk
Shomshor
Taylor, D.
Tomenga

Bell
Dandekar
Frevert
Hunter
Kelley
Lykam
Miller, H.
Olson, T.
Reasoner
Smith
Taylor, T.
Wendt

Berry
Davitt
Gaskell
Huser
Kressig
Mascher
Oldson
Palmer
Reichert
Staed
Thomas
Wenthe
The nays were, 44:

Abscent or not voting, 1:

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 2424 be immediately messaged to the Senate.

PRESENTATION TO RETIRING MEMBERS AND LEADERS

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

Carmine Boal, District 70 1998-2008
Dan Clute, District 59 2006-2008
Swati Dandekar, District 36 2002-2008
Ro Foege, District 29 1996-2008
Chuck Gipp, District 16 1990-2008
Polly Granzow, District 44 2002-2008
Sandy Greiner, District 89 1992-2000 and 2002-2008
Clarence Hoffman, District 55 1998-2008
Libby Jacobs, District 60  1994-2008
Pam Jochum, District 27  1992-2008
Bill Schickel, District 13  2002-2008
Walt Tomenga, District 69  2004-2008
Phil Wise, District 29  1986-2008

The House rose and expressed its appreciation.

House Speaker Patrick Murphy, Majority Leader Kevin McCarthy and Minority Leader Christopher Rants were invited to the Speakers station for a special presentation.

Speaker pro tempore Bukta and Paulsen of Linn on behalf of the House, presented plaques to each leader in appreciation of his service and dedication to the Iowa House of Representatives during the Eighty-second General Assembly.

The House rose and expressed its appreciation.

ADOPTION OF THE REPORT OF THE SECOND CONFERENCE COMMITTEE

(Senate File 2425)

Foege of Linn called up for consideration the report of the second conference committee on Senate File 2425 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2425

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives 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, respectfully make the following report:

1. That the House recedes from its amendment, S-5401.
2. That Senate File 2425, as amended, passed, and reprinted by the Senate, is amended to read as follows:
   1. Page 1, line 24, by striking the figure "4,851,698" and inserting the following: "5,251,698".
   2. Page 2, by inserting after line 21 the following:
103rd Day FRIDAY, APRIL 25, 2008

1. Of the funds appropriated in this section, $200,000 shall be used to replace federal funding for the aging and disability resource center.

2. Of the funds appropriated in this section, $200,000 shall be used to expand the elder abuse initiative program established pursuant to section 231.56A to additional counties.

3. Page 2, line 34, by striking the figure "1,532,149" and inserting the following: "3,082,149".

4. Page 3, line 1, by striking the word "The" and inserting the following: "a. The".

5. Page 3, by inserting after line 3, the following:
   "b. Of the funds appropriated in this subsection, $1,550,000 shall be used for tobacco use prevention, cessation, and treatment."


7. Page 5, lines 30 and 31, by striking the words and figures "pursuant to sections 135.102 and 135.103".

8. Page 6, line 1, by striking the figure "1,701,974" and inserting the following: "1,858,286".

9. Page 6, line 4, by striking the figure "43,688" and inserting the following: "200,000".

10. Page 6, line 13, by striking the figure "2,798,513" and inserting the following: "3,161,013".

11. Page 6, line 24, by striking the figure "100,000" and inserting the following: "262,500".

12. Page 6, by inserting after line 31, the following:
   "dd. Of the funds appropriated in this subsection, $200,000 shall be used for start-up costs to implement licensing of plumbers and mechanical professionals in accordance with 2007 Iowa Acts, chapter 198."

13. Page 7, line 25, by striking the figure "4,678,000" and inserting the following: "1,690,000".

14. Page 7, line 26, by striking the words "a. It" and inserting the following: "It".

15. Page 7, by striking lines 32 through 34 and inserting the following:
   "2. In addition to the appropriation made in subsection 1, there is appropriated from funds available in the gambling treatment fund created in section 135.150 to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:
To be utilized for the benefit of substance abuse treatment for persons with addictions:
................................................................................................................ $ 525,000
The amount appropriated in this subsection is one-time funding from moneys remaining in the gambling treatment fund from the carry forward of appropriations made for addictive disorders in previous fiscal years."

16. Page 7, line 35, by striking the figure "2." And inserting the following: "3."

17. Page 8, by striking line 1 and inserting the following: "after the appropriations are made in subsections 1 and 2, is appropriated."

18. Page 8, by inserting after line 10 the following:
   "4. Notwithstanding any provision to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of gambling and substance abuse treatment services statewide, the department shall implement a process to create a system for delivery of the treatment services. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the gambling and substance abuse treatment services in an area may be provided either by a single
agency or by separate agencies submitting a joint proposal. The process shall be completed by July 1, 2010.

a. The process shall include the establishment of joint licensure for gambling and substance abuse treatment programs that includes one set of standards, one licensure survey, comprehensive technical assistance, and appropriately credentialed counselors to support the following goals:

(1) Gambling and substance abuse treatment services are available to Iowans statewide.

(2) To the greatest extent possible, outcome measures are uniform statewide for both gambling and substance abuse treatment services and include but are not limited to prevalence indicators, service delivery areas, financial accountability, and longitudinal clinical outcomes.

(3) The costs to deliver gambling and substance abuse treatment services in the system are based upon best practices and are uniform statewide.

b. From the amounts appropriated in this section and from other funding sources available for gambling and substance abuse treatment, the department may allocate up to $100,000 for administrative costs to develop and implement the process in accordance with this subsection.

19. Page 10, by inserting after line 32 the following:

"Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2009, the moneys shall revert."

#20. Page 10, line 34, by striking the figure "17,707,495" and inserting the following: "18,507,495".

21. Page 10, by inserting after line 34 the following:

"Of the funds appropriated in this subsection, $800,000 is allocated for additional income maintenance workers and social workers."

22. Page 14, by striking lines 30 through 34.

23. Page 15, by inserting after line 19 the following:

"The department shall amend the food stamp employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the fifty-fifty match provisions for the claiming of allowable federal matching funds from the United States department of agriculture pursuant to the federal food stamp employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses."

24. Page 19, line 10, by striking the figure "646,401,453" and inserting the following: "649,629,269".

25. Page 24, line 35, by inserting after the word "Act," the following: "beginning January 1, 2009."

26. Page 25, line 3, by inserting after the word "Act," the following: "beginning January 1, 2009."

27. Page 25, by striking lines 12 and 13 and inserting the following:

"(5) For Medicaid services provided under the children's mental health waiver, $750,000."

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

"___. Of the funds appropriated in this section, $250,000 shall be used to implement the provisions in 2007 Iowa Acts, chapter 218, section 124, as amended by the Eighty-
second General Assembly, 2008 Session, relating to eligibility for certain persons with
disabilities under the medical assistance program.

The department of human services shall conduct a review of the impact of
broadening the list of drugs prescribed for the treatment of diabetes on the preferred
drug list under the medical assistance program in order to promote drugs that are
appropriate and therapeutically effective for persons with diabetes. The review shall
include, at a minimum, a comparison of the effectiveness of drugs prescribed for the
treatment of diabetes and a cost analysis. The department shall report its findings and
recommendations to the individuals specified in this Act to receive reports by

The department of human services shall conduct a review of the medical
assistance home and community-based services waivers, including but not limited to
the upper limit of reimbursement for each waiver and the services provided under each
waiver, and shall make recommendations to the individuals specified in this Act to
receive reports by December 15, 2008, regarding revising the upper limits of
reimbursement and services provided."

29. Page 26, line 26, by striking the figure "18,310,335" and inserting the following:
"18,611,385".

30. Page 27, line 27, by striking the figure "15,873,103" and inserting the following:
"13,868,885".

31. Page 28, line 32, by striking the figure "39,298,895" and inserting the following:
"41,345,381".

32. Page 28, line 33, by striking the figure "36,043,083" and inserting the following:
"37,589,569".

33. Page 29, line 15, by striking the figure "1,180,288" and inserting the following:
"1,680,288".

34. Page 31, line 13, by striking the figure "88,557,565" and inserting the following:
"89,326,628".

35. Page 31, line 34, by striking the figure "36,441,744" and inserting the following:
"35,841,744".

36. Page 37, by inserting after line 21 the following: "25. Of the funds
appropriated in this section, $152,440 shall be used for continuation of the funding of
one or more child welfare diversion and mediation pilot projects as provided in 2004
Iowa Acts, chapter 1130, section 1.

26. The department shall review the processes for drug testing of persons
responsible for the care of a child in child abuse cases to evaluate the effectiveness of
the testing, whether it is applied in the same manner in all service areas, identify how
the funding designated for drug testing is utilized, and address other issues associated
with the testing. The department shall report on or before December 1, 2008,
concerning the review to the persons designated by this Act to receive reports.

27. Of the funds appropriated in this section, $100,000 shall be used for a grant to
support a satellite project associated with a child protection center in a county with a
population between 189,000 and 196,000 to be operated in a hospital in a county in
northeast Iowa with a population between 120,000 and 135,000. The pilot project shall
provide immediate, sensitive support and forensic interviews, medical exams, needs
assessments, and referrals for victims of child abuse and the victims’ nonoffender
family members. Population numbers used in this subsection are from the latest
preceding certified federal census."

37. Page 37, line 29, by striking the figure "32,568,872" and inserting the following:
"34,168,872".
38. Page 39, line 35, by striking the figure "7,023,073" and inserting the following: "7,323,073".

39. Page 40, line 1, by striking the figure "109.95" and inserting the following: "114.95".

40. Page 40, by inserting after line 1 the following:

   "Of the funds appropriated in this section, $300,000 shall be used to establish and operate an Alzheimer's patient mobile consultation and assessment program."

41. Page 44, by striking lines 2 through 13 and inserting the following:

   "6. Of the funds appropriated in this section, $260,000 shall be used for a grant to a statewide association of counties for development and implementation of the community services network to replace the county management information system."

42. Page 44, line 29, by striking the figure "6,492,008" and inserting the following: "6,720,268".

43. Page 45, line 13, by striking the figure "66,852,732" and inserting the following: "67,852,732".

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

   "Sec.____. PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM – APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount or so much thereof as is necessary for the purpose designated:

   For a pregnancy counseling and support services program as specified in this section:

   ................................................................................................................ $ 200,000

   The department of human services shall establish a pregnancy counseling and support services program to provide core services consisting of information, education, counseling, and support services to women who experience unplanned pregnancies by supporting childbirth, assisting pregnant women in remaining healthy and maintaining a healthy pregnancy while deciding whether to keep the child or place the child for adoption, and assisting women after the birth of a child. The services provided may include but are not limited to: counseling and mentoring; pregnancy, childbirth, and parenting classes; fostering of a statewide pregnancy and parenting support system; assistance with physical and mental well-being of a woman during pregnancy and post delivery; assistance with the physical well-being of the woman during pregnancy and the newborn; assistance with food, shelter, clothing, health care, child care, and employment; and other supportive programs and services. The department shall award grants to service providers that have been in existence for at least one year prior to the awarding of the grant, are qualified and experienced in providing core pregnancy support services that support childbirth and parenting support services, including qualified Medicaid providers, social service agencies, and adoption agencies. Actual provision and delivery of services and counseling shall be dependent on client needs and not otherwise prioritized by agency or agencies administering the program.

   Sec.____. CIVIL MONETARY PENALTIES – DIRECT CARE WORKERS. Of the funds received by the department of human services through federal civil monetary penalties from nursing facilities, during the fiscal year beginning July 1, 2008, and ending June 30, 2009, $70,000 shall be used to provide conference scholarships to direct care workers, subject to approval by the centers for Medicare and Medicaid services of the United States department of health and human services."
45. Page 46, line 32, by striking the figure “2007.” And inserting the following: “2007, plus 1 percent. Nursing facility rates calculated in accordance with this subparagraph shall in no instance exceed the rate component limits as defined in 441 IAC 81.6(16).”

46. Page 47, line 3, by striking the figure ”4.52” and inserting the following: ”4.57”.

47. Page 47, by striking lines 25 through 33, and inserting the following:
“c. (1) (a) For the fiscal year beginning July 1, 2008, reimbursement rates for inpatient and outpatient hospital services shall be increased by 1 percent over the rates in effect on June 30, 2008.

(b) If the centers for Medicare and Medicaid services of the United States department of health and human services does not approve the increased reimbursement for hospitals provided pursuant to subparagraph subdivision (a), of the funds appropriated to the department for reimbursement to medical assistance providers for the fiscal year beginning July 1, 2008, $1,700,000 shall be used as nonmedical assistance payments to hospitals paid under the prospective payment system methodology under the medical assistance program for the purposes of addressing health care workforce shortages by increasing salaries for registered nurses who are permanent employees, eligible for benefits, and who provide direct care to patients.

(c) Hospitals paid under the prospective payment system methodology under the medical assistance program shall report to the department the total amount of nurse salary increases compared to the total amount of the medical assistance payment increase for the fiscal year beginning July 1, 2008. Nurse salary information shall only include information for registered nurses who are permanent employees, eligible for benefits, and who provide direct care to patients. Reports submitted shall be a public record.

(d) The department shall continue the outpatient hospital reimbursement system based upon ambulatory patient groups implemented pursuant to 1994 Iowa Acts, chapter 1186, section 25, subsection 1, paragraph ’f’, unless the department adopts the Medicare ambulatory payment classification methodology authorized in subparagraph (2).”

48. Page 48, line 16, by striking the words ”remain at” and inserting the following: “be increased by 1 percent over”.

49. Page 48, line 21, by striking the figure ”2008” and inserting the following: ”2009”.

50. Page 48, line 27, by striking the words ”remain at” and inserting the following: “be increased by 1 percent over”.

51. Page 48, line 31, by striking the figure ”160.71” and inserting the following: ”167.19”.

52. Page 48, line 34, by striking the words ”remain at” and inserting the following: “be increased by 1 percent over”.

53. Page 49, by inserting after line 3 the following: “ii. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2008, the reimbursement rate for anesthesiologists shall be increased by 1 percent over the medical assistance rate for anesthesiologists in effect on July 1, 2007.”

54. Page 49, line 8, by striking the words ”remain at” and inserting the following: “be increased by 1 percent over”.

55. Page 50, line 16, by striking the words ”remain at” and inserting the following: “be increased by 1 percent over”. 
56. Page 50, line 34, by striking the words "remain at" and inserting the following: "be increased by 1 percent over".

57. Page 51, line 11, by inserting after the word "costs" the following: "plus 1 percent".

58. Page 51, line 19, by striking the figure "91.45" and inserting the following: "92.36".

59. Page 51, line 27, by striking the words "remain at" and inserting the following: "be increased by $0.91 over".

60. Page 52, line 3, by inserting after the figure "2004." the following: "Effective October 1, 2008, the child care provider reimbursement rates shall be increased by 2 percent over the rates in effect on September 30, 2008."

61. Page 52, line 5, by inserting after the word "registered" the following: "by applying the increase only to registered and licensed providers".

62. Page 54, by striking line 27 and inserting the following: "provider entities, the state and local offices of the long-term care resident's advocate, the older Iowans' legislature, area agencies on aging, the".

63. Page 55, by inserting before line 26 the following: "Sec.____. VISUAL ASSESSMENTS AND REPAIR OF LEAD HAZARDS. The department of human services and the department of education shall adopt rules to require programs and facilities under the purview of the respective department to conduct visual assessments for lead hazards and to repair lead hazards identified."

64. Page 58, line 19, by striking the figure "67,500,000" and inserting the following: "111,753,195".

65. Page 63, line 7, by striking the figure "500,000" and inserting the following: "1,000,000".

66. Page 63, by striking lines 32 through 35.

67. Page 64, by striking lines 1 through 19.

68. Page 67, by striking lines 24 and 25 and inserting the following:

2. a. The division shall implement an emergency mental health crises services system in consultation with counties, and community mental health centers and other mental health and social service providers, in accordance with this section."

69. Page 79, line 25, by inserting after the figure "2007" the following: ", and a levy rate will be required for the fiscal year beginning July 1, 2009, that is at least 90 percent of the maximum allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A".

70. Page 81, line 23, by inserting after the word "districts." the following: "The task force shall utilize a facilitator to assist the process."

71. By striking page 82, line 10, through page 84, line 2, and inserting the following:

"Sec.____. COMMUNITY MENTAL HEALTH CENTER LAW UPDATE.

1. The division of mental health and disability services of the department of human services and the mental health, mental retardation, developmental disabilities, and brain injury commission, shall develop a proposal for updating and revising Code chapter 230A, relating to community mental health centers, and for revising the accreditation standards in rule that would result from the statutory revisions. An advisory committee shall be utilized in developing the proposal. In addition to interests represented on the commission, the advisory committee membership shall include but is not limited to representatives of the following: the child welfare advisory committee established pursuant to section 234.3, the coalition for family and children's
services in Iowa, the Iowa chapter of the national association of social workers, the Iowa psychological society, and the Iowa psychiatric society.

2. The proposal content shall include but is not limited to addressing Code chapter 230A requirements in the following areas: establishment and support of community mental health centers, services offered, consumer and family involvement, capability to address co-occurring disorders, forms of organization, board of directors, organization meetings, duties and powers of directors, center organization as a nonprofit entity, annual budget, financial support of centers through federal and state block grants, comprehensive community mental health programs, target populations to be served, emergency mental health crisis services, quality improvement programs, use of evidence-based practices, use of functional assessments and outcomes measures, establishment of standards, and review and evaluation processes.

3. The proposal, accompanied by findings and recommendations, shall be submitted to the governor and general assembly on or before December 1, 2008. Until that report has been considered and acted upon by the general assembly, the division administrator may defer consideration of requests for accreditation of a new community mental health center or for approval of a provider to fill the role of a community mental health center."

72. Page 84, line 18, by striking the figure "2,955,164" and inserting the following: "3,195,164".

73. Page 85, line 14, by striking the figure "682,000" and inserting the following: "922,000".

74. Page 89, line 20, by striking the figure "113,690,856" and inserting the following: "114,943,296".

75. Page 94, by striking lines 20 through 30 and inserting the following:

"TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM

Sec.____. 2007 Iowa Acts, chapter 218, section 7, subsection 3, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2008, the moneys shall revert."

76. Page 98, by inserting after line 6 the following: "MI/MR/DD STATE CASES ADDICTIVE DISORDERS

Sec.____. 2007 Iowa Acts, chapter 218, section 25, subsection 3, is amended to read as follows:

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. The first $300,000 of such moneys shall be transferred to the appropriation made from the general fund of the state to the department of public health for addictive disorders for the fiscal year beginning July 1, 2008, to be used for substance abuse treatment activities.

MH/DD COMMUNITY SERVICES FUND TRANSFER FOR ADDICTIVE DISORDERS

Sec.____. 2007 Iowa Acts, chapter 218, section 26, subsection 6, is amended to read as follows:
Of the funds appropriated in this section, $260,000 is allocated to the department for continuing the development of an assessment process for use beginning in a subsequent fiscal year as authorized specifically by a statute to be enacted in a subsequent fiscal year, determining on a consistent basis the needs and capacities of persons seeking or receiving mental health, mental retardation, developmental disabilities, or brain injury services that are paid for in whole or in part by the state or a county. The assessment process shall be developed with the involvement of counties and the mental health, mental retardation, developmental disabilities, and brain injury commission. Notwithstanding section 8.33, moneys allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall be transferred to the appropriation made from the general fund of the state to the department of public health for addictive disorders for the fiscal year beginning July 1, 2008, to be used for substance abuse treatment activities.

Page 100, line 10, by striking the word "subsection" and inserting the following: "subsections".

Page 100, by inserting after line 20 the following:
"NEW SUBSECTION. 9. For the medical assistance program only to the extent all other appropriations made for the program are insufficient:
.................................................. $ 2,500,000"

Page 107, line 26, by inserting after the word "policy" the following: "bodies".

By striking page 119, line 35, through page 120, line 21.

Page 121, by inserting after line 21 the following:
"Sec. . Section 235B.19, subsection 3, paragraph c, Code 2007, is amended to read as follows:
c. Order the provision of other available services necessary to remove conditions creating the danger to health or safety, including the services of peace officers or emergency services personnel and the suspension of the powers granted to a guardian or conservator and the subsequent appointment of a new temporary guardian or new temporary conservator pursuant to subsection 4 pending a decision by the court on whether the powers of the initial guardian or conservator should be reinstated or whether the initial guardian or conservator should be removed.

Sec. . Section 235B.19, subsection 4, Code 2007, is amended to read as follows:
4. a. Notwithstanding section sections 633.552 and 633.573, upon a finding that there is probable cause to believe that the dependent adult abuse presents an immediate danger to the health or safety of the dependent adult or is producing irreparable harm to the physical or financial resources or property of the dependent adult, and that the dependent adult lacks capacity to consent to the receipt of services, the court may order the appointment of a temporary guardian or temporary conservator without notice to the dependent adult or the dependent adult's attorney if all of the following conditions are met:

(1) It clearly appears from specific facts shown by affidavit or by the verified petition that a dependent adult’s decision-making capacity is so impaired that the dependent adult is unable to care for the dependent adult’s personal safety or to attend to or provide for the dependent adult’s basic necessities or that immediate and irreparable injury, loss, or damage will result to the physical or financial resources or property of the dependent adult before the dependent adult or the dependent adult's attorney can be heard in opposition.

(2) The department certifies to the court in writing any efforts the department has made to give the notice or the reasons supporting the claim that notice should not be required.
(3) The department files with the court a request for a hearing on the petition for the appointment of a temporary guardian or temporary conservator.

(4) The department certifies that the notice of the petition, order, and all filed reports and affidavits will be sent to the dependent adult by personal service within the time period the court directs but not more than seventy-two hours after entry of the order of appointment.

b. An order of appointment of a temporary guardian or temporary conservator entered by the court under paragraph "a" shall expire as prescribed by the court but within a period of not more than thirty days unless extended by the court for good cause.

c. A hearing on the petition for the appointment of a temporary guardian or temporary conservator shall be held within the time specified in paragraph "b". If the department does not proceed with a hearing on the petition, the court, on the motion of any party or on its own motion, may dismiss the petition."

82. Page 123, by inserting after line 8 the following:

"Sec. _. NEW SECTION. 249A.36 HEALTH CARE INFORMATION SHARING.

1. As a condition of doing business in the state, health insurers including self-insured plans, group health plans as defined in the federal Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, service benefit plans, managed care organizations, pharmacy benefits managers, and other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service, shall do all of the following:

a. Provide, with respect to individuals who are eligible for or are provided medical assistance under the state's medical assistance state plan, upon the request of the state, information to determine during what period the individual or the individual's spouse or dependents may be or may have been covered by a health insurer and the nature of the coverage that is or was provided by the health insurer, including the name, address, and identifying number of the plan, in accordance with section 505.25, in a manner prescribed by the department of human services or as agreed upon by the department and the entity specified in this section.

b. Accept the state's right of recovery and the assignment to the state of any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the medical assistance state plan.

c. Respond to any inquiry by the state regarding a claim for payment for any health care item or service that is submitted no later than three years after the date of the provision of such health care item or service.

d. Agree not to deny any claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the point-of-sale that is the basis of the claim, if all of the following conditions are met:

(1) The claim is submitted to the entity by the state within the three-year period beginning on the date on which the item or service was furnished.

(2) Any action by the state to enforce its rights with respect to such claim is commenced within six years of the date that the claim was submitted by the state.

2. The department of human services may adopt rules pursuant to chapter 17A as necessary to implement this section. Rules governing the exchange of information under this section shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and regulations promulgated in accordance with that Act and published in 45 C.F.R. pts. 160 through 164."
83. Page 126, by striking lines 18 through 24.
84. By striking page 128, line 32, through page 130, line 10.

DIVISION _____
HEALTHY KIDS ACT

Sec. __. SHORT TITLE. This Act shall be known and may be cited as the "Healthy Kids Act".

Sec. __. Section 256.7, Code Supplement 2007, is amended by adding the following new subsection:
NEW SUBSECTION 29. Adopt rules establishing nutritional content standards for foods and beverages sold or provided on the school grounds of any school district or accredited nonpublic school during the school day exclusive of the food provided by any federal school food program or pursuant to an agreement with any agency of the federal government in accordance with the provisions of chapter 283A, and exclusive of foods sold for fundraising purposes and foods and beverages sold at concession stands. The standards shall be consistent with the dietary guidelines for Americans issued by the United States department of agriculture food and nutrition service.

Sec. __. Section 256.9, Code Supplement 2007, is amended by adding the following new subsections:
NEW SUBSECTION 57. Convene, in collaboration with the department of public health, a nutrition advisory panel to review research in pediatric nutrition conducted in compliance with accepted scientific methods by recognized professional organizations and agencies including but not limited to the institute of medicine. The advisory panel shall submit its findings and recommendations, which shall be consistent with the dietary guidelines for Americans published jointly by the United States department of health and human services and department of agriculture if in the judgment of the advisory panel the guidelines are supported by the research findings, in a report to the state board. The advisory panel may submit to the state board recommendations on standards related to federal school food programs if the recommendations are intended to exceed the existing federal guidelines. The state board shall consider the advisory panel report when establishing or amending the nutritional content standards required pursuant to section 256.7, subsection 29. The director shall convene the advisory panel by July 1, 2008, and every five years thereafter to review the report and make recommendations for changes as appropriate. The advisory panel shall include but is not limited to at least one Iowa state university extension nutrition and health field specialist and at least one representative from each of the following:
 a. The Iowa dietetic association.
 b. The school nutrition association of Iowa.
 c. The Iowa association of school boards.
 d. The school administrators of Iowa.
 e. The Iowa chapter of the American academy of pediatrics.
 f. A school association representing parents.
 g. The Iowa grocery industry association.
 h. An accredited nonpublic school.
 i. The Iowa state education association.
 j. The farm-to-school council established pursuant to section 190A.2.

NEW SUBSECTION 58. Monitor school districts and accredited nonpublic schools for compliance with the nutritional content standards for foods and beverages adopted by the state board in accordance with section 256.7, subsection 29. School districts and accredited nonpublic schools shall annually make the standards available to students, parents, and the local community. A school district or accredited nonpublic school
found to be in noncompliance with the nutritional content standards by the director shall submit a corrective action plan to the director for approval which sets forth the steps to be taken to ensure full compliance.

Sec._____.  Section 256.11, subsection 6, Code Supplement 2007, is amended to read as follows:

6.  a.  A pupil is not required to enroll in either physical education or health courses, or meet the requirements of paragraph "b" or "c", if the pupil's parent or guardian files a written statement with the school principal that the course or activity conflicts with the pupil's religious belief.

b.  (1) All physically able students in kindergarten through grade five shall be required to engage in a physical activity for a minimum of thirty minutes per school day.

(2) All physically able students in grades six through twelve shall be required to engage in a physical activity for a minimum of one hundred twenty minutes per week. A student participating in an organized and supervised athletic program or non-school-sponsored extracurricular activity which requires the student to participate in physical activity for a minimum of one hundred twenty minutes per week is exempt from the requirements of this subparagraph.

(3) The department shall collaborate with stakeholders on the development of daily physical activity requirements and the development of models that describe ways in which school districts and schools may incorporate the physical activity requirement of this paragraph into the educational program. A school district or accredited nonpublic school shall not reduce instructional time for academic courses in order to meet the requirements of this paragraph.

c.  Every student by the end of grade twelve shall complete a certification course for cardiopulmonary resuscitation. The administrator of a school may waive this requirement if the student is not physically able to successfully complete the training. A student is exempt from the requirement of this paragraph if the student presents satisfactory evidence to the school district or accredited nonpublic school that the student possesses cardiopulmonary resuscitation certification.

Sec._____.  Section 273.2, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION.  7.  The board of an area education agency or a consortium of two or more area education agencies shall contract with one or more licensed dieticians for the support of nutritional provisions in individual education plans developed in accordance with chapter 256B and to provide information to support school nutrition coordinators.

Sec._____.  DEPARTMENT OF EDUCATION – FITNESS WORKING GROUP.  The department of education shall convene a working group comprised of elementary and secondary education and fitness professionals and stakeholders to assist the department in developing daily physical activity opportunities and requirements and developing models that describe ways in which school districts and schools may incorporate physical activities for students into the educational program as provided in section 256.11, subsection 6, paragraph "b", as enacted by this Act. The working group shall also develop recommendations for a system of implementation that offers every student the opportunity to become physically active. The department of education shall submit its findings and recommendations, including any recommendations for changes in policy or statute, in a report to the general assembly by January 15, 2009.

Sec._____.  EFFECTIVE DATE.  The section of this division of this Act that amends section 256.11, subsection 6, takes effect July 1, 2009.
Sec.___.  MASS TRANSIT INTERIM COMMITTEE. The legislative council is requested to establish a legislative interim study committee to conduct a comprehensive study of the ways in which mass transit might be employed to provide public transportation services among Iowa communities. The study should include but not be limited to an examination of the following:

1. The ways in which the availability of mass transit affects various populations within rural and urban communities. In particular, the study should examine the benefits of mass transit for poor, elderly, and disabled individuals who are unable to drive or cannot afford to own a motor vehicle.

2. Any impact that mass transit services among Iowa communities might have on population levels, quality of life, and economic development in urban job centers, smaller satellite communities, and rural towns.

3. The effect of mass transit on statewide greenhouse gas emissions and overall air quality, including the role that mass transit can play in meeting the goals of the Iowa energy independence plan.

4. The level of public need for mass transit among Iowa communities, including any specific areas of the state where the need is most immediate.

5. The feasibility of expanding mass transit services and the types and combinations of services that might comprise a mass transit system for Iowa.

6. The potential costs and possible funding mechanisms for developing and maintaining specific mass transit services.

7. The attitudes and habits of Iowans concerning personal transportation. The study should include a component for educating the public about the economic, social, and environmental advantages of mass transit. The committee membership should include ten members representing both political parties and both houses of the general assembly. The committee should consult with the department of transportation, the office of energy independence, the department of human services, local officials, members of the general public who are knowledgeable concerning intercity public transit and passenger rail service, and other interested parties as necessary to accomplish the work of the committee. The committee, if authorized, shall submit a written report of its findings and recommendations to the governor and the general assembly by December 31, 2008.”

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

The motion prevailed and the second conference committee report was adopted.

Foege 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. 2425)

The ayes were, 53:

Abdul-Samad Bailey Bell Berry
Bukta Cohoon Dandekar Davitt
Foege Ford Frevert Gaskill
The nays were, 45:

Absent or not voting, 2:

Jacobs

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

CONFERENCE COMMITTEE REPORT RECEIVED

(House File 2539)

A conference committee report signed by the following Senate and House members was filed April 25, 2008, on House File 2539, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, and including an applicability provision:
ON THE PART OF THE SENATE:  HATCH, Chair  BOLKCOM  JOHNSON  RAGAN  SEYMOUR
McCarthy of Polk asked unanimous consent for the immediate consideration of Senate File 2426.

Objection was raised.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2539)

Smith of Marshall called up for consideration the report of the conference committee on House File 2539 as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2539

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

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2539, a bill for an Act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, and including an applicability provision, respectfully make the following report:

1. That the House recedes from its amendment, S-5414.
2. That the Senate recedes from its amendment, H-8439.
3. That House File 2539, as amended, passed, and reprinted by the House, is amended to read as follows:

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

"DIVISION I

HEALTH CARE COVERAGE INTENT

Section 1. DECLARATION OF INTENT.

1. It is the intent of the general assembly to progress toward achievement of the goal that all Iowans have health care coverage with the following priorities:

a. The goal that all children in the state have health care coverage which meets certain standards of quality and affordability with the following priorities:

(1) Covering all children who are declared eligible for the medical assistance program or the hawk-i program pursuant to chapter 514I no later than January 1, 2011.

(2) Building upon the current hawk-i program by creating a hawk-i expansion program to provide coverage to children who meet the hawk-i program’s eligibility..."
criteria but whose income is at or below three hundred percent of the federal poverty level, beginning July 1, 2009.

(3) If federal reauthorization of the state children’s health insurance program provides sufficient federal allocations to the state and authorization to cover such children as an option under the state children’s health insurance program, requiring the department of human services to expand coverage under the state children’s health insurance program to cover children with family incomes at or below three hundred percent of the federal poverty level, with appropriate cost sharing established for families with incomes above two hundred percent of the federal poverty level.

b. The goal that the Iowa comprehensive health insurance association, in consultation with the Iowa choice health care coverage advisory council established in section 514E.6, develop a comprehensive plan to first cover all children without health care coverage that utilizes and modifies existing public programs including the medical assistance program, the hawk-i program, and the hawk-i expansion program, and then to provide access to private unsubsidized, affordable, qualified health care coverage for children, adults, and families, who are not otherwise eligible for health care coverage through public programs, that is available for purchase by January 1, 2010.

c. The goal of decreasing health care costs and health care coverage costs by instituting health insurance reforms that assure the availability of private health insurance coverage for Iowans by addressing issues involving guaranteed availability and issuance to applicants, preexisting condition exclusions, portability, and allowable or required pooling and rating classifications.

DIVISION II
HAWK-I AND MEDICAID EXPANSION

Sec. 2. Section 249A.3, subsection 1, paragraph l, Code Supplement 2007, is amended to read as follows:

Is an infant whose income is not more than two hundred percent of the federal poverty level, as defined by the most recently revised income guidelines published by the United States department of health and human services. Additionally, effective July 1, 2009, medical assistance shall be provided to an infant whose family income is at or below three hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, if otherwise eligible.

Sec. 3. Section 249A.3, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Once initial eligibility for the family medical assistance program-related medical assistance is determined for a child described under subsection 1, paragraphs "b", "f", "g", "j", "k", "l", or "n" or under subsection 2, paragraphs "e", "f", or "h", the department shall provide continuous eligibility for a period of up to twelve months, until the child’s next annual review of eligibility under the medical assistance program, if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible.

Sec. 4. NEW SECTION. 422.12K INCOME TAX FORM – INDICATION OF DEPENDENT CHILD HEALTH CARE COVERAGE.

1. The director shall draft the income tax form to allow beginning with the tax returns for tax year 2008, a person who files an individual or joint income tax return with the department under section 422.13 to indicate the presence or absence of health care coverage for each dependent child for whom an exemption is claimed.

2. Beginning with the income tax return for tax year 2008, a person who files an individual or joint income tax return with the department under section 422.13, may
report on the income tax return, in the form required, the presence or absence of health care coverage for each dependent child for whom an exemption is claimed.

a. If the taxpayer indicates on the income tax return that a dependent child does not have health care coverage, and the income of the taxpayer's tax return does not exceed the highest level of income eligibility standard for the medical assistance program pursuant to chapter 249A or the hawk-i program pursuant to chapter 514I, the department shall send a notice to the taxpayer indicating that the dependent child may be eligible for the medical assistance program or the hawk-i program and providing information about how to enroll in the programs.

b. Notwithstanding any other provision of law to the contrary, a taxpayer shall not be subject to a penalty for not providing the information required under this section.

c. The department shall consult with the department of human services in developing the tax return form and the information to be provided to tax filers under this section.

3. The department, in cooperation with the department of human services, shall adopt rules pursuant to chapter 17A to administer this section, including rules defining "health care coverage" for the purpose of indicating its presence or absence on the tax form.

4. The department, in cooperation with the department of human services, shall report, annually, to the governor and the general assembly all of the following:

   a. The number of Iowa families, by income level, claiming the state income tax exemption for dependent children.

   b. The number of Iowa families, by income level, claiming the state income tax exemption for dependent children who also indicate the presence or absence of health care coverage for the dependent children.

   c. The effect of the reporting requirements and provision of information requirements under this section on the number and percentage of children in the state who are uninsured.

Sec. 5. Section 514I.1, subsection 4, Code 2007, is amended to read as follows:

4. It is the intent of the general assembly that the hawk-I program be an integral part of the continuum of health insurance coverage and that the program be developed and implemented in such a manner as to facilitate movement of families between health insurance providers and to facilitate the transition of families to private sector health insurance coverage. It is the intent of the general assembly in developing such continuum of health insurance coverage and in facilitating such transition, that beginning July 1, 2009, the department implement the hawk-i expansion program.

Sec. 6. Section 514I.1, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 5. It is the intent of the general assembly that if federal reauthorization of the state children's health insurance program provides sufficient federal allocations to the state and authorization to cover such children as an option under the state children's health insurance program, the department shall expand coverage under the state children's health insurance program to cover children with family incomes at or below three hundred percent of the federal poverty level.

Sec. 7. Section 514I.2, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Hawk-i expansion program" or "hawk-I expansion" means the healthy and well kids in Iowa expansion program created in section 514I.12 to provide health insurance to children who meet the hawk-i program eligibility criteria pursuant to section 514I.8, with the exception of the family income criteria, and whose family income is at or below three hundred percent of the federal poverty
level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

Sec. 8. Section 514I.5, subsection 7, paragraph d, Code Supplement 2007, is amended to read as follows:

d. Develop, with the assistance of the department, an outreach plan, and provide for periodic assessment of the effectiveness of the outreach plan. The plan shall provide outreach to families of children likely to be eligible for assistance under the program, to inform them of the availability of and to assist the families in enrolling children in the program. The outreach efforts may include, but are not limited to, solicitation of cooperation from programs, agencies, and other persons who are likely to have contact with eligible children, including but not limited to those associated with the educational system, and the development of community plans for outreach and marketing. Other state agencies shall assist the department in data collection related to outreach efforts to potentially eligible children and their families.

Sec. 9. Section 514I.5, subsection 7, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH.

1. Develop options and recommendations to allow children eligible for the hawk-i or hawk-i expansion program to participate in qualified employer-sponsored health plans through a premium assistance program. The options and recommendations shall ensure reasonable alignment between the benefits and costs of the hawk-i and hawk-i expansion programs and the employer-sponsored health plans consistent with federal law. The options and recommendations shall be completed by January 1, 2009, and submitted to the governor and the general assembly for consideration as part of the hawk-i and hawk-I expansion programs.

Sec. 10. Section 514I.7, subsection 2, paragraph a, Code 2007, is amended to read as follows:

a. Determine individual eligibility for program enrollment based upon review of completed applications and supporting documentation. The administrative contractor shall not enroll a child who has group health coverage or any child who has dropped coverage in the previous six months, unless the coverage was involuntarily lost or unless the reason for dropping coverage is allowed by rule of the board.

Sec. 11. Section 514I.8, subsection 1, Code 2007, is amended to read as follows:

1. Effective July 1, 1998, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, an eligible child under the age of nineteen whose family income does not exceed one hundred thirty-three percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. Additionally, effective July 1, 2000, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, an eligible infant whose family income does not exceed two hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. Effective July 1, 2009, and notwithstanding any medical assistance program eligibility criteria to the contrary, medical assistance shall be provided to, or on behalf of, an eligible infant whose family income is at or below three hundred percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

Sec. 12. Section 514I.10, subsection 2, Code 2007, is amended to read as follows:
2. Cost sharing for eligible children whose family income equals or exceeds one hundred fifty percent but does not exceed two hundred percent of the federal poverty level may include a premium or copayment amount which does not exceed five percent of the annual family income. The amount of any premium or the copayment amount shall be based on family income and size.

Sec. 13. Section 514I.11, subsections 1 and 3, Code 2007, are amended to read as follows:

1. A hawk-i trust fund is created in the state treasury under the authority of the department of human services, in which all appropriations and other revenues of the program and the hawk-i expansion program such as grants, contributions, and participant payments shall be deposited and used for the purposes of the program and the hawk-i expansion program. The moneys in the fund shall not be considered revenue of the state, but rather shall be funds of the program.

3. Moneys in the fund are appropriated to the department and shall be used to offset any program and hawk-i expansion program costs.

Sec. 14. NEW SECTION. 514I.12 HAWK-I EXPANSION PROGRAM.

1. All children less than nineteen years of age who meet the hawk-i program eligibility criteria pursuant to section 514I.8, with the exception of the family income criteria, and whose family income is at or below three hundred percent of the federal poverty level, shall be eligible for the hawk-i expansion program.

2. To the greatest extent possible, the provisions of section 514I.4, relating to the director and department duties and powers, section 514I.5 relating to the hawk-i board, section 514I.6 relating to participating insurers, and section 514I.7 relating to the administrative contractor shall apply to the hawk-i expansion program. The department shall adopt any rules necessary, pursuant to chapter 17A, and shall amend any existing contracts to facilitate the application of such sections to the hawk-i expansion program.

3. The hawk-i board shall establish by rule pursuant to chapter 17A, the cost-sharing amounts, criteria for modification of the cost-sharing amounts, and graduated premiums for children under the hawk-i expansion program.

Sec. 15. MAXIMIZATION OF ENROLLMENT AND RETENTION–MEDICAL ASSISTANCE AND HAWK-I PROGRAMS.

1. The department of human services, in collaboration with the department of education, the department of public health, the division of insurance of the department of commerce, the hawk-i board, consumers who are not recipients of or advocacy groups representing recipients of the medical assistance or hawk-i program, the covering kids and families coalition, and the covering kids now task force, shall develop a plan to maximize enrollment and retention of eligible children in the hawk-i and medical assistance programs. In developing the plan, the collaborative shall review, at a minimum, all of the following strategies:

   a. Streamlined enrollment in the hawk-i and medical assistance programs. The collaborative shall identify information and documentation that may be shared across departments and programs to simplify the determination of eligibility or eligibility factors, and any interagency agreements necessary to share information consistent with state and federal confidentiality and other applicable requirements.

   b. Conditional eligibility for the hawk-i and medical assistance programs.

   c. Expedited renewal for the hawk-i and medical assistance programs.

2. Following completion of the review the department of human services shall compile the plan which shall address all of the following relative to implementation of the strategies specified in subsection 1:

   a. Federal limitations and quantifying of the risk of federal disallowance.
b. Any necessary amendment of state law or rule.
c. Budgetary implications and cost-benefit analyses.
d. Any medical assistance state plan amendments, waivers, or other federal approval necessary.
e. An implementation time frame.

3. The department of human services shall submit the plan to the governor and the general assembly no later than December 1, 2008.

Sec. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I EXPANSION PROGRAMS – COVERING CHILDREN – APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the designated fiscal years, the following amounts, or so much thereof as is necessary, for the purpose designated:

To cover children as provided in this Act under the medical assistance, hawk-i, and hawk-i expansion programs and outreach under the current structure of the programs:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Appropriation</th>
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<tr>
<td>FY 2008-2009</td>
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<td>FY 2010-2011</td>
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</tr>
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DIVISION III

IOWA CHOICE HEALTH CARE COVERAGE
AND ADVISORY COUNCIL

Sec. 17. Section 514E.1, Code 2007, is amended by adding the following new subsections:

NEW SUBSECTION. 14A. "Iowa choice health care coverage advisory council" or "advisory council" means the advisory council created in section 514E.6.

NEW SUBSECTION. 21. "Qualified health care coverage" means creditable coverage which meets minimum standards of quality and affordability as determined by the association by rule.

Sec. 18. Section 514E.2, subsection 3, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The association shall submit to the commissioner a plan of operation for the association and any amendments necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation shall include provisions for the development of a comprehensive health care coverage plan as provided in section 514E.5. In developing the comprehensive plan the association shall give deference to the recommendations made by the advisory council as provided in section 514E.6, subsection 1. The association shall approve or disapprove but shall not modify recommendations made by the advisory council. Recommendations that are approved shall be included in the plan of operation submitted to the commissioner. Recommendations that are disapproved shall be submitted to the commissioner with reasons for the disapproval. The plan of operation becomes effective upon approval in writing by the commissioner prior to the date on which the coverage under this chapter must be made available. After notice and hearing, the commissioner shall approve the plan of operation if the plan is determined to be suitable to assure the fair, reasonable, and equitable administration of the association, and provides for the sharing of association losses, if any, on an equitable and proportionate basis among the member carriers. If the association fails to submit a suitable plan of operation within one hundred eighty days after the appointment of the board of directors, or if at any later time the association fails to submit suitable amendments to the plan, the commissioner shall adopt, pursuant to chapter 17A, rules necessary to implement this section. The rules shall continue in force until modified by the commissioner or superseded by a
plan submitted by the association and approved by the commissioner. In addition to other requirements, the plan of operation shall provide for all of the following:

Sec. 19. NEW SECTION. 514E.5 IOWA CHOICE HEALTH CARE COVERAGE.

1. The association, in consultation with the Iowa choice health care coverage advisory council, shall develop a comprehensive health care coverage plan to provide health care coverage to all children without such coverage, that utilizes and modifies existing public programs including the medical assistance program, hawk-i program, and hawk-i expansion program, and to provide access to private unsubsidized, affordable, qualified health care coverage to children who are not otherwise eligible for health care coverage through public programs.

2. The comprehensive plan developed by the association and the advisory council, shall also consider and recommend options to provide access to private unsubsidized, affordable, qualified health care coverage to all Iowa children less than nineteen years of age with a family income that is more than three hundred percent of the federal poverty level and to adults and families who are not otherwise eligible for health care coverage through public programs.

3. As part of the comprehensive plan developed, the association, in consultation with the advisory council, shall define what constitutes qualified health care coverage for children less than nineteen years of age. For the purposes of this definition and for designing health care coverage options for children, the association, in consultation with the advisory council, shall recommend the benefits to be included in such coverage and shall explore the value of including coverage for the treatment of mental and behavioral disorders. The association and the advisory council shall perform a cost analysis as part of their consideration of benefit options. The association and the advisory council shall also consider whether to include coverage of the following benefits:

   a. Inpatient hospital services including medical, surgical, intensive care unit, mental health, and substance abuse services.
   b. Nursing care services including skilled nursing facility services.
   c. Outpatient hospital services including emergency room, surgery, lab, and x-ray services and other services.
   d. Physician services, including surgical and medical, office visits, newborn care, well-baby and well-child care, immunizations, urgent care, specialist care, allergy testing and treatment, mental health visits, and substance abuse visits.
   e. Ambulance services.
   f. Physical therapy.
   g. Speech therapy.
   h. Durable medical equipment.
   i. Home health care.
   j. Hospice services.
   k. Prescription drugs.
   l. Dental services including preventive services.
   m. Medically necessary hearing services.
   n. Vision services including corrective lenses.
   o. No underwriting requirements and no preexisting condition exclusions.
   p. Chiropractic services.

4. As part of the comprehensive plan developed, the association, in consultation with the advisory council, shall consider and recommend affordable health care coverage options for purchase for children less than nineteen years of age with a family income that is more than three hundred percent of the federal poverty level, with the goal of including health care coverage options for which the contribution requirement
for all cost-sharing expenses is no more than two percent of family income per each child covered, up to a maximum of six and one-half percent of family income per family. The association, in consultation with the advisory council, shall also consider and recommend whether such health care coverage options should require a copayment for services received in an amount determined by the association.

5. As part of the comprehensive plan, the association, in consultation with the advisory council, shall define what constitutes qualified health care coverage for adults and families who are not eligible for a public program. The association, in consultation with the advisory council, shall develop and recommend affordable health care coverage options for purchase by such adults and families that provide a selection of health benefit plans and standardized benefits with the goal of including health care coverage options for which the contribution requirement for all cost-sharing expenses is no more than six and one-half percent of family income.

6. As part of the comprehensive plan the association and the advisory council may collaborate with health insurance carriers to do the following, including but not limited to:
   a. Design solutions to issues relating to guaranteed issuance of insurance, preexisting condition exclusions, portability, and allowable pooling and rating classifications.
   b. Formulate principles that ensure fair and appropriate practices relating to issues involving individual health care policies such as rescission and preexisting condition clauses, and that provide for a binding third-party review process to resolve disputes related to such issues.
   c. Design affordable, portable health care coverage options for low-income children, adults, and families.
   d. Design a proposed premium schedule for health care coverage options that are recommended which includes the development of rating factors that are consistent with market conditions.
   e. Design protocols to limit the transfer from employer-sponsored or other private health care coverage to state-developed health care coverage plans.

7. The association shall submit the comprehensive plan required by this section to the governor and the general assembly by December 15, 2008. The appropriations to cover children under the medical assistance, hawk-i, and hawk-i expansion programs as provided in this Act and to provide related outreach for fiscal year 2009-2010 and fiscal year 2010-2011 are contingent upon enactment of a comprehensive plan during the 2009 regular session of the Eighty-third General Assembly that provides health care coverage for all children in the state. Enactment of a comprehensive plan shall include a determination of what the prospects are of federal action which may impact the comprehensive plan and the fiscal impact of the comprehensive plan on the state budget.

Sec. 20. NEW SECTION. 514E.6  IOWA CHOICE HEALTH CARE COVERAGE ADVISORY COUNCIL.

1. The Iowa choice health care coverage advisory council is created for the purpose of assisting the association with developing a comprehensive health care coverage plan as provided in section 514E.5. The advisory council shall make recommendations concerning the design and implementation of the comprehensive plan including but not limited to a definition of what constitutes qualified health care coverage, suggestions for the design of health care coverage options, and implementation of a health care coverage reporting requirement.

2. The advisory council consists of the following persons who are voting members unless otherwise provided:
a. The two most recent former governors, or if one or both of them are unable or unwilling to serve, a person or persons appointed by the governor.
b. Seven members appointed by the director of public health:
   (1) A representative of the federation of Iowa insurers.
   (2) A health economist who resides in Iowa.
   (3) Two consumers, one of whom shall be a representative of a children's advocacy organization and one of whom shall be a member of a minority.
   (4) A representative of organized labor.
   (5) A representative of an organization of employers.
   (6) A representative of the Iowa association of health underwriters.
c. The following members shall be ex officio, nonvoting members of the council:
   (1) The commissioner of insurance, or a designee.
   (2) The director of human services, or a designee.
   (3) The director of public health, or a designee.
   (4) Four members of the general assembly, one appointed by the speaker of the house of representatives, one appointed by the minority leader of the house of representatives, one appointed by the majority leader of the senate, and one appointed by the minority leader of the senate.

3. The members of the council appointed by the director of public health shall be appointed for terms of six years beginning and ending as provided in section 69.19. Such a member of the board is eligible for reappointment. The director shall fill a vacancy for the remainder of the unexpired term.

4. The members of the council shall annually elect one voting member as chairperson and one as vice chairperson. Meetings of the council shall be held at the call of the chairperson or at the request of a majority of the council's members.

5. The members of the council shall not receive compensation for the performance of their duties as members but each member shall be paid necessary expenses while engaged in the performance of duties of the council. Any legislative member shall be paid the per diem and expenses specified in section 2.10.

6. The members of the council are subject to and are officials within the meaning of chapter 68B.

DIVISION IV
HEALTH INSURANCE OVERSIGHT

Sec. 21. Section 505.8, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. The commissioner shall have regulatory authority over health benefit plans and adopt rules under chapter 17A as necessary, to promote the uniformity, cost efficiency, transparency, and fairness of such plans for physicians licensed under chapters 148, 150, and 150A, and hospitals licensed under chapter 135B, for the purpose of maximizing administrative efficiencies and minimizing administrative costs of health care providers and health insurers.

Sec. 22. HEALTH INSURANCE OVERSIGHT – APPROPRIATION. There is appropriated from the general fund of the state to the insurance division of the department of commerce for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For identification and regulation of procedures and practices related to health care as provided in section 505.8, subsection 5A:................................................................................................................ $ 80,000

DIVISION V
IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM
DIVISION XXI
IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

Sec. 23. NEW SECTION. 135.154 DEFINITIONS.
As used in this division, unless the context otherwise requires:
1. "Board" means the state board of health created pursuant to section 136.1.
2. "Department" means the department of public health.
3. "Health care professional" means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.
4. "Health information technology" means the application of information processing, involving both computer hardware and software, that deals with the storage, retrieval, sharing, and use of health care information, data, and knowledge for communication, decision making, quality, safety, and efficiency of clinical practice, and may include but is not limited to:
   a. An electronic health record that electronically compiles and maintains health information that may be derived from multiple sources about the health status of an individual and may include a core subset of each care delivery organization’s electronic medical record such as a continuity of care record or a continuity of care document, computerized physician order entry, electronic prescribing, or clinical decision support.
   b. A personal health record through which an individual and any other person authorized by the individual can maintain and manage the individual’s health information.
   c. An electronic medical record that is used by health care professionals to electronically document, monitor, and manage health care delivery within a care delivery organization, is the legal record of the patient’s encounter with the care delivery organization, and is owned by the care delivery organization.
   d. A computerized provider order entry function that permits the electronic ordering of diagnostic and treatment services, including prescription drugs.
   e. A decision support function to assist physicians and other health care providers in making clinical decisions by providing electronic alerts and reminders to improve compliance with best practices, promote regular screenings and other preventive practices, and facilitate diagnoses and treatments.
   f. Tools to allow for the collection, analysis, and reporting of information or data on adverse events, the quality and efficiency of care, patient satisfaction, and other health care-related performance measures.
5. "Interoperability" means the ability of two or more systems or components to exchange information or data in an accurate, effective, secure, and consistent manner and to use the information or data that has been exchanged and includes but is not limited to:
   a. The capacity to connect to a network for the purpose of exchanging information or data with other users.
   b. The ability of a connected, authenticated user to demonstrate appropriate permissions to participate in the instant transaction over the network.
   c. The capacity of a connected, authenticated user to access, transmit, receive, and exchange usable information with other users.
6. "Recognized interoperability standard" means interoperability standards recognized by the office of the national coordinator for health information technology of the United States department of health and human services.

Sec. 24. NEW SECTION. 135.155 IOWA ELECTRONIC HEALTH – PRINCIPLES – GOALS.
1. Health information technology is rapidly evolving so that it can contribute to the goals of improving access to and quality of health care, enhancing efficiency, and reducing costs.

2. To be effective, the health information technology system shall comply with all of the following principles:
   a. Be patient-centered and market-driven.
   b. Be based on approved standards developed with input from all stakeholders.
   c. Protect the privacy of consumers and the security and confidentiality of all health information.
   d. Promote interoperability.
   e. Ensure the accuracy, completeness, and uniformity of data.

3. Widespread adoption of health information technology is critical to a successful health information technology system and is best achieved when all of the following occur:
   a. The market provides a variety of certified products from which to choose in order to best fit the needs of the user.
   b. The system provides incentives for health care professionals to utilize the health information technology and provides rewards for any improvement in quality and efficiency resulting from such utilization.
   c. The system provides protocols to address critical problems.
   d. The system is financed by all who benefit from the improved quality, efficiency, savings, and other benefits that result from use of health information technology.

Sec. 25. NEW SECTION, 135.156 ELECTRONIC HEALTH INFORMATION – DEPARTMENT DUTIES – ADVISORY COUNCIL – EXECUTIVE COMMITTEE.

1. a. The department shall direct a public and private collaborative effort to promote the adoption and use of health information technology in this state in order to improve health care quality, increase patient safety, reduce health care costs, enhance public health, and empower individuals and health care professionals with comprehensive, real-time medical information to provide continuity of care and make the best health care decisions. The department shall provide coordination for the development and implementation of an interoperable electronic health records system, telehealth expansion efforts, the health information technology infrastructure, and other health information technology initiatives in this state. The department shall be guided by the principles and goals specified in section 135.155.

b. All health information technology efforts shall endeavor to represent the interests and meet the needs of consumers and the health care sector, protect the privacy of individuals and the confidentiality of individuals’ information, promote physician best practices, and make information easily accessible to the appropriate parties. The system developed shall be consumer-driven, flexible, and expandable.

2. a. An electronic health information advisory council is established which shall consist of the representatives of entities involved in the electronic health records system task force established pursuant to section 217.41A, Code 2007, a pharmacist, a licensed practicing physician, a consumer who is a member of the state board of health, a representative of the state’s Medicare quality improvement organization, the executive director of the Iowa communications network, a representative of the private telecommunications industry, a representative of the Iowa collaborative safety net provider network created in section 135.153, a nurse informaticist from the university of Iowa, and any other members the department or executive committee of the advisory council determines necessary and appoints to assist the department or executive committee at various stages of development of the electronic health information system. Executive branch agencies shall also be included as necessary to assist in the
duties of the department and the executive committee. Public members of the advisory council shall receive reimbursement for actual expenses incurred while serving in their official capacity only if they are not eligible for reimbursement by the organization that they represent. Any legislative members shall be paid the per diem and expenses specified in section 2.10.

b. An executive committee of the electronic health information advisory council is established. Members of the executive committee of the advisory council shall receive reimbursement for actual expenses incurred while serving in their official capacity only if they are not eligible for reimbursement by the organization that they represent. The executive committee shall consist of the following members:

1. Three members, each of whom is the chief information officer of one of the three largest private health care systems in the state.
2. One member who is the chief information officer of the university of Iowa hospitals and clinics, or the chief information officer’s designee, selected by the director of the university of Iowa hospitals and clinics.
3. One member who is a representative of a rural hospital who is a member of the Iowa hospital association, selected by the Iowa hospital association.
4. One member who is a consumer member of the state board of health, selected by the state board of health.
5. One member who is a licensed practicing physician, selected by the Iowa medical society.
6. One member who is licensed to practice nursing, selected by the Iowa nurses association.
7. One representative of an insurance carrier selected by the federation of Iowa insurers.

3. The executive committee, with the technical assistance of the advisory council and the support of the department shall do all of the following:

a. Develop a statewide health information technology plan by July 1, 2009. In developing the plan, the executive committee shall seek the input of providers, payers, and consumers. Standards and policies developed for the plan shall promote and be consistent with national standards developed by the office of the national coordinator for health information technology of the United States department of health and human services and shall address or provide for all of the following:
   1. The effective, efficient, statewide use of electronic health information in patient care, health care policymaking, clinical research, health care financing, and continuous quality improvement. The executive committee shall recommend requirements for interoperable electronic health records in this state including a recognized interoperability standard.
   2. Education of the public and health care sector about the value of health information technology in improving patient care, and methods to promote increased support and collaboration of state and local public health agencies, health care professionals, and consumers in health information technology initiatives.
   4. Policies relating to the protection of privacy of patients and the security and confidentiality of patient information.
   5. Policies relating to information ownership.
   6. Policies relating to governance of the various facets of the health information technology system.
   7. A single patient identifier or alternative mechanism to share secure patient information. If no alternative mechanism is acceptable to the executive committee, all
health care professionals shall utilize the mechanism selected by the executive committee by July 1, 2010.

(8) A standard continuity of care record and other issues related to the content of electronic transmissions. All health care professionals shall utilize the standard continuity of care record by July 1, 2010.

(9) Requirements for electronic prescribing.

(10) Economic incentives and support to facilitate participation in an interoperable system by health care professionals.

b. Identify existing and potential health information technology efforts in this state, regionally, and nationally, and integrate existing efforts to avoid incompatibility between efforts and avoid duplication.

c. Coordinate public and private efforts to provide the network backbone infrastructure for the health information technology system. In coordinating these efforts, the executive committee shall do all of the following:

(1) Develop policies to effectuate the logical cost-effective usage of and access to the state-owned network, and support of telecommunication carrier products, where applicable.

(2) Consult with the Iowa communications network, private fiberoptic networks, and any other communications entity to seek collaboration, avoid duplication, and leverage opportunities in developing a network backbone.

(3) Establish protocols to ensure compliance with any applicable federal standards.

(4) Determine costs for accessing the network at a level that provides sufficient funding for the network.

d. Promote the use of telemedicine.

(1) Examine existing barriers to the use of telemedicine and make recommendations for eliminating these barriers.

(2) Examine the most efficient and effective systems of technology for use and make recommendations based on the findings.

e. Address the workforce needs generated by increased use of health information technology.

f. Recommend rules to be adopted in accordance with chapter 17A to implement all aspects of the statewide health information technology plan and the network.

g. Coordinate, monitor, and evaluate the adoption, use, interoperability, and efficiencies of the various facets of health information technology in this state.

h. Seek and apply for any federal or private funding to assist in the implementation and support of the health information technology system and make recommendations for funding mechanisms for the ongoing development and maintenance costs of the health information technology system.

i. Identify state laws and rules that present barriers to the development of the health information technology system and recommend any changes to the governor and the general assembly.

4. Recommendations and other activities resulting from the work of the department or the executive committee shall be presented to the board for action or implementation.

Sec. 26. Section 8D.13, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 20. Access shall be offered to the Iowa hospital association only for the purposes of collection, maintenance, and dissemination of health and financial data for hospitals and for hospital education services. The Iowa hospital association shall be responsible for all costs associated with becoming part of the network, as determined by the commission.
Sec. 27. Section 136.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Perform those duties authorized pursuant to section 135.156.

Sec. 28. Section 217.41A, Code 2007, is repealed.

Sec. 29. IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For administration of the Iowa health information technology system, and for not more than the following full-time equivalent positions:

................................................................................................................ $  190,600
................................................................................................................ FTEs   2.00

DIVISION VI
LONG-TERM LIVING PLANNING AND PATIENT AUTONOMY IN HEALTH CARE

Sec. 30. NEW SECTION. 231.62 END-OF-LIFE CARE INFORMATION.

1. The department shall consult with the Iowa medical society, the Iowa end-of-life coalition, the Iowa hospice organization, the university of Iowa palliative care program, and other health care professionals whose scope of practice includes end-of-life care to develop educational and patient-centered information on end-of-life care for terminally ill patients and health care professionals.

2. For the purposes of this section, "end-of-life care" means care provided to meet the physical, psychological, social, spiritual, and practical needs of terminally ill patients and their caregivers.

Sec. 31. END-OF-LIFE CARE INFORMATION – APPROPRIATION. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For activities associated with the end-of-life care information requirements of this division:

................................................................................................................ $   10,000

Sec. 32. LONG-TERM LIVING PLANNING TOOLS – PUBLIC EDUCATION CAMPAIGN. The legal services development and substitute decision maker programs of the department of elder affairs, in collaboration with other appropriate agencies and interested parties, shall research existing long-term living planning tools that are designed to increase quality of life and contain health care costs and recommend a public education campaign strategy on long-term living to the general assembly by January 1, 2009.

Sec. 33. LONG-TERM CARE OPTIONS PUBLIC EDUCATION CAMPAIGN. The department of elder affairs, in collaboration with the insurance division of the department of commerce, shall implement a long-term care options public education campaign. The campaign may utilize such tools as the “Own Your Future Planning Kit” administered by the centers for Medicare and Medicaid services, the administration on aging, and the office of the assistant secretary for planning and evaluation of the United States department of health and human services, and other tools developed through the aging and disability resource center program of the administration on aging and the centers for Medicare and Medicaid services designed to promote health
and independence as Iowans age, assist older Iowans in making informed choices about the availability of long-term care options, including alternatives to facility-based care, and to streamline access to long-term care.

Sec. 34. LONG-TERM CARE OPTIONS PUBLIC EDUCATION CAMPAIGN – APPROPRIATION. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For activities associated with the long-term care options public education campaign requirements of this division:

................................................................................................................ $ 75,000

Sec. 35. HOME AND COMMUNITY-BASED SERVICES PUBLIC EDUCATION CAMPAIGN. The department of elder affairs shall work with other public and private agencies to identify resources that may be used to continue the work of the aging and disability resource center established by the department through the aging and disability resource center grant program efforts of the administration on aging and the centers for Medicare and Medicaid services of the United States department of health and human services, beyond the federal grant period ending September 30, 2008.

Sec. 36. PATIENT AUTONOMY IN HEALTH CARE DECISIONS PILOT PROJECT.

1. The department of public health shall establish a two-year community coalition for patient treatment wishes across the health care continuum pilot project, beginning July 1, 2008, and ending June 30, 2010, in a county with a population of between fifty thousand and one hundred thousand. The pilot project shall utilize the process based upon the national physicians orders for life sustaining treatment program initiative, including use of a standardized physician order for scope of treatment form. The process shall require validation of the physician order for scope of treatment form by the signature of an individual other than the patient or the patient’s legal representative who is not an employee of the patient’s physician. The pilot project may include applicability to chronically ill, frail, and elderly or terminally ill individuals in hospitals licensed pursuant to chapter 135B, nursing facilities or residential care facilities licensed pursuant to chapter 135C, or hospice programs as defined in section 135J.1.

2. The department of public health shall convene an advisory council, consisting of representatives of entities with interest in the pilot project, including but not limited to the Iowa hospital association, the Iowa medical society, organizations representing health care facilities, representatives of health care providers, and the Iowa trial lawyers association, to develop recommendations for expanding the pilot project statewide. The advisory council shall report its findings and recommendations, including recommendations for legislation, to the governor and the general assembly by January 1, 2010.

3. The pilot project shall not alter the rights of individuals who do not execute a physician order for scope of treatment.

   a. If an individual is a qualified patient as defined in section 144A.2, the individual’s declaration executed under chapter 144A shall control health care decision making for the individual in accordance with chapter 144A. A physician order for scope of treatment shall not supersede a declaration executed pursuant to chapter 144A. If an individual has not executed a declaration pursuant to chapter 144A, health care decision making relating to life-sustaining procedures for the individual shall be governed by section 144A.7.
b. If an individual has executed a durable power of attorney for health care pursuant to chapter 144B, the individual’s durable power of attorney for health care shall control health care decision making for the individual in accordance with chapter 144B. A physician order for scope of treatment shall not supersede a durable power of attorney for health care executed pursuant to chapter 144B.

c. In the absence of actual notice of the revocation of a physician order for scope of treatment, a physician, health care provider, or any other person who complies with a physician order for scope of treatment shall not be subject to liability, civil or criminal, for actions taken under this section which are in accordance with reasonable medical standards. Any physician, health care provider, or other person against whom criminal or civil liability is asserted because of conduct in compliance with this section may interpose the restriction on liability in this paragraph as an absolute defense.

DIVISION VII
HEALTH CARE COVERAGE

Sec. 37. NEW SECTION. 505.31 REIMBURSEMENT ACCOUNTS.
The commissioner of insurance shall assist employers with twenty-five or fewer employees with implementing and administering plans under section 125 of the Internal Revenue Code, including medical expense reimbursement accounts and dependent care accounts. The commissioner shall provide information about the assistance available to small employers on the insurance division’s internet site.

Sec. 38. Section 509.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A provision that the insurer will permit continuation of existing coverage for an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 39. NEW SECTION. 509A.13B CONTINUATION OF-dependent COVERAGE.
If a governing body, a county board of supervisors, or a city council has procured accident or health care coverage for its employees under this chapter such coverage shall permit continuation of existing coverage for an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 40. Section 513C.7, subsection 2, paragraph a, Code 2007, is amended to read as follows:

a. The individual basic or standard health benefit plan shall not deny, exclude, or limit benefits for a covered individual for losses incurred more than twelve months following the effective date of the individual’s coverage due to a preexisting condition. A preexisting condition shall not be defined more restrictively than any of the following:

(1) a. A condition that would cause an ordinarily prudent person to seek medical advice, diagnosis, care, or treatment during the twelve months immediately preceding the effective date of coverage.

(2) b. A condition for which medical advice, diagnosis, care, or treatment was recommended or received during the twelve months immediately preceding the effective date of coverage.

(3) c. A pregnancy existing on the effective date of coverage.
Sec. 41. Section 513C.7, subsection 2, paragraph b, Code 2007, is amended by striking the paragraph.

Sec. 42. **NEW SECTION.** 514A.3B ADDITIONAL REQUIREMENTS.

1. An insurer which accepts an individual for coverage under an individual policy or contract of accident and health insurance shall waive any time period applicable to a preexisting condition exclusion or limitation period requirement of the policy or contract with respect to particular services in an individual health benefit plan for the period of time the individual was previously covered by qualifying previous coverage as defined in section 513C.3 that provided benefits with respect to such services, provided that the qualifying previous coverage was continuous to a date not more than sixty-three days prior to the effective date of the new policy or contract. Any days of coverage provided to an individual pursuant to chapter 249A or 514I, or Medicare coverage provided pursuant to Title XVIII of the federal Social Security Act, do not constitute qualifying previous coverage. Such days of chapter 249A or 514I or Medicare coverage shall be counted as part of the maximum sixty-three-day grace period and shall not constitute a basis for the waiver of any preexisting condition exclusion or limitation period.

2. An insurer issuing an individual policy or contract of accident and health insurance which provides coverage for children of the insured shall permit continuation of existing coverage for an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 43. **APPLICABILITY.** This division of this Act applies to policies or contracts of accident and health insurance delivered or issued for delivery or continued or renewed in this state on or after July 1, 2008.

**DIVISION VIII**
**MEDICAL HOME**
**DIVISION XXII**
**MEDICAL HOME**

Sec. 44. **NEW SECTION.** 135.157 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the state board of health created pursuant to section 136.1.

2. "Department" means the department of public health.

3. "Health care professional" means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

4. "Medical home" means a team approach to providing health care that originates in a primary care setting; fosters a partnership among the patient, the personal provider, and other health care professionals, and where appropriate, the patient’s family; utilizes the partnership to access all medical and nonmedical health-related services needed by the patient and the patient’s family to achieve maximum health potential; maintains a centralized, comprehensive record of all health-related services to promote continuity of care; and has all of the characteristics specified in section 135.158.

5. "National committee for quality assurance" means the nationally recognized, independent nonprofit organization that measures the quality and performance of health care and health care plans in the United States; provides accreditation, certification, and recognition programs for health care plans and programs; and is
recognized in Iowa as an accrediting organization for commercial and Medicaid-managed care organizations.

6. "Personal provider" means the patient's first point of contact in the health care system with a primary care provider who identifies the patient's health needs, and, working with a team of health care professionals, provides for and coordinates appropriate care to address the health needs identified.

7. "Primary care" means health care which emphasizes providing for a patient's general health needs and utilizes collaboration with other health care professionals and consultation or referral as appropriate to meet the needs identified.

8. "Primary care provider" means any of the following who provide primary care and meet certification standards:
   a. A physician who is a family or general practitioner, a pediatrician, an internist, an obstetrician, or a gynecologist.
   b. An advanced registered nurse practitioner.
   c. A physician assistant.
   d. A chiropractor licensed pursuant to chapter 151.

Sec. 45. NEW SECTION. 135.158 MEDICAL HOME PURPOSES – CHARACTERISTICS.

1. The purposes of a medical home are the following:
   a. To reduce disparities in health care access, delivery, and health care outcomes.
   b. To improve quality of health care and lower health care costs, thereby creating savings to allow more Iowans to have health care coverage and to provide for the sustainability of the health care system.
   c. To provide a tangible method to document if each Iowan has access to health care.

2. A medical home has all of the following characteristics:
   a. A personal provider. Each patient has an ongoing relationship with a personal provider trained to provide first contact and continuous and comprehensive care.
   b. A provider-directed medical practice. The personal provider leads a team of individuals at the practice level who collectively take responsibility for the ongoing health care of patients.
   c. Whole person orientation. The personal provider is responsible for providing for all of a patient's health care needs or taking responsibility for appropriately arranging health care by other qualified health care professionals. This responsibility includes health care at all stages of life including provision of acute care, chronic care, preventive services, and end-of-life care.
   d. Coordination and integration of care. Care is coordinated and integrated across all elements of the complex health care system and the patient's community. Care is facilitated by registries, information technology, health information exchanges, and other means to assure that patients receive the indicated care when and where they need and want the care in a culturally and linguistically appropriate manner.
   e. Quality and safety. The following are quality and safety components of the medical home:
      (1) Provider-directed medical practices advocate for their patients to support the attainment of optimal, patient-centered outcomes that are defined by a care planning process driven by a compassionate, robust partnership between providers, the patient, and the patient's family.
      (2) Evidence-based medicine and clinical decision-support tools guide decision making.
(3) Providers in the medical practice accept accountability for continuous quality improvement through voluntary engagement in performance measurement and improvement.

(4) Patients actively participate in decision making and feedback is sought to ensure that the patients’ expectations are being met.

(5) Information technology is utilized appropriately to support optimal patient care, performance measurement, patient education, and enhanced communication.

(6) Practices participate in a voluntary recognition process conducted by an appropriate nongovernmental entity to demonstrate that the practice has the capabilities to provide patient-centered services consistent with the medical home model.

(7) Patients and families participate in quality improvement activities at the practice level.

f. Enhanced access to health care. Enhanced access to health care is available through systems such as open scheduling, expanded hours, and new options for communication between the patient, the patient’s personal provider, and practice staff.

g. Payment. The payment system appropriately recognizes the added value provided to patients who have a patient-centered medical home. The payment structure framework of the medical home provides all of the following:

(1) Reflects the value of provider and nonprovider staff and patient-centered care management work that is in addition to the face-to-face visit.

(2) Pays for services associated with coordination of health care both within a given practice and between consultants, ancillary providers, and community resources.

(3) Supports adoption and use of health information technology for quality improvement.

(4) Supports provision of enhanced communication access such as secure electronic mail and telephone consultation.

(5) Recognizes the value of provider work associated with remote monitoring of clinical data using technology.

(6) Allows for separate fee-for-service payments for face-to-face visits. Payments for health care management services that are in addition to the face-to-face visit do not result in a reduction in the payments for face-to-face visits.

(7) Recognizes case mix differences in the patient population being treated within the practice.

(8) Allows providers to share in savings from reduced hospitalizations associated with provider-guided health care management in the office setting.

(9) Allows for additional payments for achieving measurable and continuous quality improvements.

Sec. 46. NEW SECTION. 135.159 MEDICAL HOME SYSTEM – ADVISORY COUNCIL – DEVELOPMENT AND IMPLEMENTATION.

1. The department shall administer the medical home system. The department shall adopt rules pursuant to chapter 17A necessary to administer the medical home system.

2. a. The department shall establish an advisory council which shall include but is not limited to all of the following members, selected by their respective organizations, and any other members the department determines necessary to assist in the department’s duties at various stages of development of the medical home system:

(1) The director of human services, or the director’s designee.

(2) The commissioner of insurance, or the commissioner’s designee.

(3) A representative of the federation of Iowa insurers.

(4) A representative of the Iowa dental association.
(5) A representative of the Iowa nurses association.

(6) A physician licensed pursuant to chapter 148 and a physician licensed pursuant to chapter 150 who are family physicians and members of the Iowa academy of family physicians.

(7) A health care consumer.

(8) A representative of the Iowa collaborative safety net provider network established pursuant to section 135.153.

(9) A representative of the governor's developmental disabilities council.

(10) A representative of the Iowa chapter of the American academy of pediatrics.

(11) A representative of the child and family policy center.

(12) A representative of the Iowa pharmacy association.

(13) A representative of the Iowa chiropractic society.

(14) A representative of the university of Iowa college of public health.

b. Public members of the advisory council shall receive reimbursement for actual expenses incurred while serving in their official capacity only if they are not eligible for reimbursement by the organization that they represent.

3. The department shall develop a plan for implementation of a statewide medical home system. The department, in collaboration with parents, schools, communities, health plans, and providers, shall endeavor to increase healthy outcomes for children and adults by linking the children and adults with a medical home, identifying health improvement goals for children and adults, and linking reimbursement strategies to increasing healthy outcomes for children and adults. The plan shall provide that the medical home system shall do all of the following:

a. Coordinate and provide access to evidence-based health care services, emphasizing convenient, comprehensive primary care and including preventive, screening, and well-child health services.

b. Provide access to appropriate specialty care and inpatient services.

c. Provide quality-driven and cost-effective health care.

d. Provide access to pharmacist-delivered medication reconciliation and medication therapy management services, where appropriate.

e. Promote strong and effective medical management including but not limited to planning treatment strategies, monitoring health outcomes and resource use, sharing information, and organizing care to avoid duplication of service. The plan shall provide that in sharing information, the priority shall be the protection of the privacy of individuals and the security and confidentiality of the individual's information. Any sharing of information required by the medical home system shall comply and be consistent with all existing state and federal laws and regulations relating to the confidentiality of health care information and shall be subject to written consent of the patient.

f. Emphasize patient and provider accountability.

g. Prioritize local access to the continuum of health care services in the most appropriate setting.

h. Establish a baseline for medical home goals and establish performance measures that indicate a child or adult has an established and effective medical home. For children, these goals and performance measures may include but are not limited to childhood immunizations rates, well-child care utilization rates, care management for children with chronic illnesses, emergency room utilization, and oral health service utilization.

i. For children, coordinate with and integrate guidelines, data, and information from existing newborn and child health programs and entities, including but not limited to the healthy opportunities to experience, success-healthy families Iowa
program, the community empowerment program, the center for congenital and inherited disorders screening and health care programs, standards of care for pediatric health guidelines, the office of multicultural health established in section 135.12, the oral health bureau established in section 135.15, and other similar programs and services.

4. The department shall develop an organizational structure for the medical home system in this state. The organizational structure plan shall integrate existing resources, provide a strategy to coordinate health care services, provide for monitoring and data collection on medical homes, provide for training and education to health care professionals and families, and provide for transition of children to the adult medical care system. The organizational structure may be based on collaborative teams of stakeholders throughout the state such as local public health agencies, the collaborative safety net provider network established in section 135.153, or a combination of statewide organizations. Care coordination may be provided through regional offices or through individual provider practices. The organizational structure may also include the use of telemedicine resources, and may provide for partnering with pediatric and family practice residency programs to improve access to preventive care for children. The organizational structure shall also address the need to organize and provide health care to increase accessibility for patients including using venues more accessible to patients and having hours of operation that are conducive to the population served.

5. The department shall adopt standards and a process to certify medical homes based on the national committee for quality assurance standards. The certification process and standards shall provide mechanisms to monitor performance and to evaluate, promote, and improve the quality of health of and health care delivered to patients through a medical home. The mechanism shall require participating providers to monitor clinical progress and performance in meeting applicable standards and to provide information in a form and manner specified by the department. The evaluation mechanism shall be developed with input from consumers, providers, and payers. At a minimum the evaluation shall determine any increased quality in health care provided and any decrease in cost resulting from the medical home system compared with other health care delivery systems. The standards and process shall also include a mechanism for other ancillary service providers to become affiliated with a certified medical home.

6. The department shall adopt education and training standards for health care professionals participating in the medical home system.

7. The department shall provide for system simplification through the use of universal referral forms, internet-based tools for providers, and a central medical home internet site for providers.

8. The department shall recommend a reimbursement methodology and incentives for participation in the medical home system to ensure that providers enter and remain participating in the system. In developing the recommendations for incentives, the department shall consider, at a minimum, providing incentives to promote wellness, prevention, chronic care management, immunizations, health care management, and the use of electronic health records. In developing the recommendations for the reimbursement system, the department shall analyze, at a minimum, the feasibility of all of the following:

   a. Reimbursement under the medical assistance program to promote wellness and prevention, provide care coordination, and provide chronic care management.

   b. Increasing reimbursement to Medicare levels for certain wellness and prevention services, chronic care management, and immunizations.
c. Providing reimbursement for primary care services by addressing the disparities between reimbursement for specialty services and primary care services.

d. Increased funding for efforts to transform medical practices into certified medical homes, including emphasizing the implementation of the use of electronic health records.

e. Targeted reimbursement to providers linked to health care quality improvement measures established by the department.

f. Reimbursement for specified ancillary support services such as transportation for medical appointments and other such services.

g. Providing reimbursement for medication reconciliation and medication therapy management service, where appropriate.

9. The department shall coordinate the requirements and activities of the medical home system with the requirements and activities of the dental home for children as described in section 249J.14, subsection 7, and shall recommend financial incentives for dentists and nondental providers to promote oral health care coordination through preventive dental intervention, early identification of oral disease risk, health care coordination and data tracking, treatment, chronic care management, education and training, parental guidance, and oral health promotions for children.

10. The department shall integrate the recommendations and policies developed by the prevention and chronic care management advisory council into the medical home system.

11. Implementation phases.

a. Initial implementation shall require participation in the medical home system of children who are recipients of full benefits under the medical assistance program. The department shall work with the department of human services and shall recommend to the general assembly a reimbursement methodology to compensate providers participating under the medical assistance program for participation in the medical home system.

b. The department shall work with the department of human services to expand the medical home system to adults who are recipients of full benefits under the medical assistance program and the expansion population under the IowaCare program. The department shall work with the centers for Medicare and Medicaid services of the United States department of health and human services to allow Medicare recipients to utilize the medical home system.

c. The department shall work with the department of administrative services to allow state employees to utilize the medical home system.

d. The department shall work with insurers and self-insured companies, if requested, to make the medical home system available to individuals with private health care coverage.

12. The department shall provide oversight for all certified medical homes. The department shall review the progress of the medical home system and recommend improvements to the system, as necessary.

3. The department shall annually evaluate the medical home system and make recommendations to the governor and the general assembly regarding improvements to and continuation of the system.

14. Recommendations and other activities resulting from the duties authorized for the department under this section shall require approval by the board prior to any subsequent action or implementation.

Sec. 47. Section 136.3, Code 2007, is amended by adding the following new subsection:
NEW SUBSECTION.  12. Perform those duties authorized pursuant to section 135.159.

Sec. 48. Section 249J.14, subsection 7, Code 2007, is amended to read as follows:
7. DENTAL HOME FOR CHILDREN. By July 1, 2008 December 31, 2010, every recipient of medical assistance who is a child twelve years of age or younger shall have a designated dental home and shall be provided with the dental screenings, and preventive care identified in the oral health standards—services, diagnostic services, treatment services, and emergency services as defined under the early and periodic screening, diagnostic, and treatment program.

Sec. 49. MEDICAL HOME SYSTEM – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:
For activities associated with the medical home system requirements of this division and for not more than the following full-time equivalent positions:
................................................................................................................ $    165,600
................................................................................................................ FTEs   4.00

DIVISION IX
PREVENTION AND CHRONIC CARE MANAGEMENT
DIVISION XXIII
PREVENTION AND CHRONIC CARE MANAGEMENT

Sec. 50. NEW SECTION. 135.160 DEFINITIONS.
For the purpose of this division, unless the context otherwise requires:
1. "Board" means the state board of health created pursuant to section 136.1.
2. "Chronic care" means health care services provided by a health care professional for an established clinical condition that is expected to last a year or more and that requires ongoing clinical management attempting to restore the individual to highest function, minimize the negative effects of the chronic condition, and prevent complications related to the chronic condition.
3. "Chronic care information system" means approved information technology to enhance the development and communication of information to be used in providing chronic care, including clinical, social, and economic outcomes of chronic care.
4. "Chronic care management" means a system of coordinated health care interventions and communications for individuals with chronic conditions, including significant patient self-care efforts, systemic supports for the health care professional and patient relationship, and a chronic care plan emphasizing prevention of complications utilizing evidence-based practice guidelines, patient empowerment strategies, and evaluation of clinical, humanistic, and economic outcomes on an ongoing basis with the goal of improving overall health.
5. "Chronic care plan" means a plan of care between an individual and the individual's principal health care professional that emphasizes prevention of complications through patient empowerment including but not limited to providing incentives to engage the patient in the patient's own care and in clinical, social, or other interventions designed to minimize the negative effects of the chronic condition.
6. "Chronic care resources" means health care professionals, advocacy groups, health departments, schools of public health and medicine, health plans, and others with expertise in public health, health care delivery, health care financing, and health care research.
7. "Chronic condition" means an established clinical condition that is expected to last a year or more and that requires ongoing clinical management.
8. "Department" means the department of public health.
9. "Director" means the director of public health.
10. "Eligible individual" means a resident of this state who has been diagnosed with a chronic condition or is at an elevated risk for a chronic condition and who is a recipient of medical assistance, is a member of the expansion population pursuant to chapter 249J, or is an inmate of a correctional institution in this state.
11. "Health care professional" means health care professional as defined in section 135.157.
12. "Health risk assessment" means screening by a health care professional for the purpose of assessing an individual’s health, including tests or physical examinations and a survey or other tool used to gather information about an individual’s health, medical history, and health risk factors during a health screening.

Sec. 51. NEW SECTION. 135.161 PREVENTION AND CHRONIC CARE MANAGEMENT INITIATIVE – ADVISORY COUNCIL.
1. The director, in collaboration with the prevention and chronic care management advisory council, shall develop a state initiative for prevention and chronic care management. The state initiative consists of the state’s plan for developing a chronic care organizational structure for prevention and chronic care management, including coordinating the efforts of health care professionals and chronic care resources to promote the health of residents and the prevention and management of chronic conditions, developing and implementing arrangements for delivering prevention services and chronic care management, developing significant patient self-care efforts, providing systemic support for the health care professional-patient relationship and options for channeling chronic care resources and support to health care professionals, providing for community development and outreach and education efforts, and coordinating information technology initiatives with the chronic care information system. 2. The director may accept grants and donations and shall apply for any federal, state, or private grants available to fund the initiative. Any grants or donations received shall be placed in a separate fund in the state treasury and used exclusively for the initiative or as federal law directs.
3. a. The director shall establish and convene an advisory council to provide technical assistance to the director in developing a state initiative that integrates evidence-based prevention and chronic care management strategies into the public and private health care systems, including the medical home system. Public members of the advisory council shall receive their actual and necessary expenses incurred in the performance of their duties and may be eligible to receive compensation as provided in section 7E.6.
   b. The advisory council shall elicit input from a variety of health care professionals, health care professional organizations, community and nonprofit groups, insurers, consumers, businesses, school districts, and state and local governments in developing the advisory council’s recommendations.
   c. The advisory council shall submit initial recommendations to the director for the state initiative for prevention and chronic care management no later than July 1, 2009. The recommendations shall address all of the following:
      (1) The recommended organizational structure for integrating prevention and chronic care management into the private and public health care systems. The organizational structure recommended shall align with the organizational structure established for the medical home system developed pursuant to division XXII. The advisory council shall also review existing prevention and chronic care management strategies used in the health insurance market and in private and public programs and recommend ways to expand the use of such strategies throughout the health insurance market and in the private and public health care systems.
(2) A process for identifying leading health care professionals and existing prevention and chronic care management programs in the state, and coordinating care among these health care professionals and programs.

(3) A prioritization of the chronic conditions for which prevention and chronic care management services should be provided, taking into consideration the prevalence of specific chronic conditions and the factors that may lead to the development of chronic conditions; the fiscal impact to state health care programs of providing care for the chronic conditions of eligible individuals; the availability of workable, evidence-based approaches to chronic care for the chronic condition; and public input into the selection process. The advisory council shall initially develop consensus guidelines to address the two chronic conditions identified as having the highest priority and shall also specify a timeline for inclusion of additional specific chronic conditions in the initiative.

(4) A method to involve health care professionals in identifying eligible patients for prevention and chronic care management services, which includes but is not limited to the use of a health risk assessment.

(5) The methods for increasing communication between health care professionals and patients, including patient education, patient self-management, and patient follow-up plans.

(6) The educational, wellness, and clinical management protocols and tools to be used by health care professionals, including management guideline materials for health care delivery.

(7) The use and development of process and outcome measures and benchmarks, aligned to the greatest extent possible with existing measures and benchmarks such as the best in class estimates utilized in the national healthcare quality report of the agency for health care research and quality of the United States department of health and human services, to provide performance feedback for health care professionals and information on the quality of health care, including patient satisfaction and health status outcomes.

(8) Payment methodologies to align reimbursements and create financial incentives and rewards for health care professionals to utilize prevention services, establish management systems for chronic conditions, improve health outcomes, and improve the quality of health care, including case management fees, payment for technical support and data entry associated with patient registries, and the cost of staff coordination within a medical practice.

(9) Methods to involve public and private groups, health care professionals, insurers, third-party administrators, associations, community and consumer groups, and other entities to facilitate and sustain the initiative.

(10) Alignment of any chronic care information system or other information technology needs with other health care information technology initiatives.

(11) Involvement of appropriate health resources and public health and outcomes researchers to develop and implement a sound basis for collecting data and evaluating the clinical, social, and economic impact of the initiative, including a determination of the impact on expenditures and prevalence and control of chronic conditions.

(12) Elements of a marketing campaign that provides for public outreach and consumer education in promoting prevention and chronic care management strategies among health care professionals, health insurers, and the public.

(13) A method to periodically determine the percentage of health care professionals who are participating, the success of the empowerment-of-patients approach, and any results of health outcomes of the patients participating.
(14) A means of collaborating with the health professional licensing boards pursuant to chapter 147 to review prevention and chronic care management education provided to licensees, as appropriate, and recommendations regarding education resources and curricula for integration into existing and new education and training programs.

4. Following submission of initial recommendations to the director for the state initiative for prevention and chronic care management by the advisory council, the director shall submit the state initiative to the board for approval. Subject to approval of the state initiative by the board, the department shall initially implement the state initiative among the population of eligible individuals. Following initial implementation, the director shall work with the department of human services, insurers, health care professional organizations, and consumers in implementing the initiative beyond the population of eligible individuals as an integral part of the health care delivery system in the state. The advisory council shall continue to review and make recommendations to the director regarding improvements to the initiative. Any recommendations are subject to approval by the board.

Sec. 52. NEW SECTION. 135.162 CLINICIANS ADVISORY PANEL.

1. The director shall convene a clinicians advisory panel to advise and recommend to the department clinically appropriate, evidence-based best practices regarding the implementation of the medical home as defined in section 135.157 and the prevention and chronic care management initiative pursuant to section 135.161. The director shall act as chairperson of the advisory panel.

2. The clinicians advisory panel shall consist of nine members representing licensed medical health care providers selected by their respective professional organizations. Terms of members shall begin and end as provided in section 69.19. Any vacancy shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term. Members shall serve terms of three years. A member is eligible for reappointment for three successive terms.

3. The clinicians advisory panel shall meet on a quarterly basis to receive updates from the director regarding strategic planning and implementation progress on the medical home and the prevention and chronic care management initiative and shall provide clinical consultation to the department regarding the medical home and the initiative.

Sec. 53. Section 136.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Perform those duties authorized pursuant to section 135.161.

Sec. 54. PREVENTION AND CHRONIC CARE MANAGEMENT – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For activities associated with the prevention and chronic care management requirements of this division:

$190,500

DIVISION X
FAMILY OPPORTUNITY ACT

Sec. 55. 2007 Iowa Acts, chapter 218, section 126, subsection 1, is amended to read as follows:

1. The provision in this division of this Act relating to eligibility for certain persons with disabilities under the medical assistance program shall only be implemented if
the department of human services determines that funding is available in appropriations made in this Act, in combination with federal allocations to the state, for the state children's health insurance program, in excess of the amount needed to cover the current and projected enrollment under the state children's health insurance program beginning January 1, 2009. If such a determination is made, the department of human services shall transfer funding from the appropriations made in this Act for the state children's health insurance program, not otherwise required for that program, to the appropriations made in this Act for medical assistance, as necessary, to implement such provision of this division of this Act.

DIVISION XI
MEDICAL ASSISTANCE QUALITY IMPROVEMENT

Sec. 56. NEW SECTION. 249A.36 MEDICAL ASSISTANCE QUALITY IMPROVEMENT COUNCIL.

1. A medical assistance quality improvement council is established. The council shall evaluate the clinical outcomes and satisfaction of consumers and providers with the medical assistance program. The council shall coordinate efforts with the cost and quality performance evaluation completed pursuant to section 249J.16.

2. a. The council shall consist of seven voting members appointed by the majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house of representatives. At least one member of the council shall be a consumer and at least one member shall be a medical assistance program provider. An individual who is employed by a private or nonprofit organization that receives one million dollars or more in compensation or reimbursement from the department, annually, is not eligible for appointment to the council. The members shall serve terms of two years beginning and ending as provided in section 69.19, and appointments shall comply with sections 69.16 and 69.16A. Members shall receive reimbursement for actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6. Vacancies shall be filled by the original appointing authority and in the manner of the original appointment. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term.

b. The members shall select a chairperson, annually, from among the membership. The council shall meet at least quarterly and at the call of the chairperson. A majority of the members of the council constitutes a quorum. Any action taken by the council must be adopted by the affirmative vote of a majority of its voting membership.

c. The department shall provide administrative support and necessary supplies and equipment for the council.

3. The council shall consult with and advise the Iowa Medicaid enterprise in establishing a quality assessment and improvement process.

a. The process shall be consistent with the health plan employer data and information set developed by the national committee for quality assurance and with the consumer assessment of health care providers and systems developed by the agency for health care research and quality of the United States department of health and human services. The council shall also coordinate efforts with the Iowa healthcare collaborative and the state's Medicare quality improvement organization to create consistent quality measures.

b. The process may utilize as a basis the medical assistance and state children's health insurance quality improvement efforts of the centers for Medicare and Medicaid services of the United States department of health and human services.
c. The process shall include assessment and evaluation of both managed care and fee-for-service programs, and shall be applicable to services provided to adults and children.

d. The initial process shall be developed and implemented by December 31, 2008, with the initial report of results to be made available to the public by June 30, 2009. Following the initial report, the council shall submit a report of results to the governor and the general assembly, annually, in January.

DIVISION XII HEALTH AND LONG-TERM CARE ACCESS

DIVISION XXIV

Sec. 57. NEW SECTION. 135.163 HEALTH AND LONG-TERM CARE ACCESS.

The department shall coordinate public and private efforts to develop and maintain an appropriate health care delivery infrastructure and a stable, well-qualified, diverse, and sustainable health care workforce in this state. The health care delivery infrastructure and the health care workforce shall address the broad spectrum of health care needs of Iowans throughout their lifespan including long-term care needs. The department shall, at a minimum, do all of the following:

1. Develop a strategic plan for health care delivery infrastructure and health care workforce resources in this state.

2. Provide for the continuous collection of data to provide a basis for health care strategic planning and health care policymaking.

3. Make recommendations regarding the health care delivery infrastructure and the health care workforce that assist in monitoring current needs, predicting future trends, and informing policymaking.

Sec. 58. NEW SECTION. 135.164 STRATEGIC PLAN.

1. The strategic plan for health care delivery infrastructure and health care workforce resources shall describe the existing health care system, describe and provide a rationale for the desired health care system, provide an action plan for implementation, and provide methods to evaluate the system. The plan shall incorporate expenditure control methods and integrate criteria for evidence-based health care. The department shall do all of the following in developing the strategic plan for health care delivery infrastructure and health care workforce resources:

   a. Conduct strategic health planning activities related to preparation of the strategic plan.

   b. Develop a computerized system for accessing, analyzing, and disseminating data relevant to strategic health planning. The department may enter into data sharing agreements and contractual arrangements necessary to obtain or disseminate relevant data.

   c. Conduct research and analysis or arrange for research and analysis projects to be conducted by public or private organizations to further the development of the strategic plan.

   d. Establish a technical advisory committee to assist in the development of the strategic plan. The members of the committee may include but are not limited to health economists, representatives of the university of Iowa college of public health, health planners, representatives of health care purchasers, representatives of state and local agencies that regulate entities involved in health care, representatives of health care providers and health care facilities, and consumers.

2. The strategic plan shall include statewide health planning policies and goals related to the availability of health care facilities and services, the quality of care, and the cost of care. The policies and goals shall be based on the following principles:

   a. That a strategic health planning process, responsive to changing health and social needs and conditions, is essential to the health, safety, and welfare of Iowans.
The process shall be reviewed and updated as necessary to ensure that the strategic plan addresses all of the following:

1. Promoting and maintaining the health of all Iowans.
2. Providing accessible health care services through the maintenance of an adequate supply of health facilities and an adequate workforce.
3. Controlling excessive increases in costs.
4. Applying specific quality criteria and population health indicators.
5. Recognizing prevention and wellness as priorities in health care programs to improve quality and reduce costs.
6. Addressing periodic priority issues including disaster planning, public health threats, and public safety dilemmas.
7. Coordinating health care delivery and resource development efforts among state agencies including those tasked with facility, services, and professional provider licensure; state and federal reimbursement; health service utilization data systems; and others.
8. Recognizing long-term care as an integral component of the health care delivery infrastructure and as an essential service provided by the health care workforce.

b. That both consumers and providers throughout the state must be involved in the health planning process, outcomes of which shall be clearly articulated and available for public review and use.

c. That the supply of a health care service has a substantial impact on utilization of the service, independent of the effectiveness, medical necessity, or appropriateness of the particular health care service for a particular individual.

d. That given that health care resources are not unlimited, the impact of any new health care service or facility on overall health expenditures in this state must be considered.

e. That excess capacity of health care services and facilities places an increased economic burden on the public.

f. That the likelihood that a requested new health care facility, service, or equipment will improve health care quality and outcomes must be considered.

g. That development and ongoing maintenance of current and accurate health care information and statistics related to cost and quality of health care and projections of the need for health care facilities and services are necessary to developing an effective health care planning strategy.

h. That the certificate of need program as a component of the health care planning regulatory process must balance considerations of access to quality care at a reasonable cost for all Iowans, optimal use of existing health care resources, fostering of expenditure control, and elimination of unnecessary duplication of health care facilities and services, while supporting improved health care outcomes.

i. That strategic health care planning must be concerned with the stability of the health care system, encompassing health care financing, quality, and the availability of information and services for all residents.

3. The health care delivery infrastructure and health care workforce resources strategic plan developed by the department shall include all of the following:

a. A health care system assessment and objectives component that does all of the following:

(1) Describes state and regional population demographics, health status indicators, and trends in health status and health care needs.

(2) Identifies key policy objectives for the state health care system related to access to care, health care outcomes, quality, and cost-effectiveness.

b. A health care facilities and services plan that assesses the demand for health care facilities and services to inform state health care planning efforts and direct
certificate of need determinations, for those facilities and services subject to certificate of need. The plan shall include all of the following:

(1) An inventory of each geographic region’s existing health care facilities and services.

(2) Projections of the need for each category of health care facility and service, including those subject to certificate of need.

(3) Policies to guide the addition of new or expanded health care facilities and services to promote the use of quality, evidence-based, cost-effective health care delivery options, including any recommendations for criteria, standards, and methods relevant to the certificate of need review process.

(4) An assessment of the availability of health care providers, public health resources, transportation infrastructure, and other considerations necessary to support the needed health care facilities and services in each region.

c. A health care data resources plan that identifies data elements necessary to properly conduct planning activities and to review certificate of need applications, including data related to inpatient and outpatient utilization and outcomes information, and financial and utilization information related to charity care, quality, and cost. The plan shall provide all of the following:

(1) An inventory of existing data resources, both public and private, that store and disclose information relevant to the health care planning process, including information necessary to conduct certificate of need activities. The plan shall identify any deficiencies in the inventory of existing data resources and the data necessary to conduct comprehensive health care planning activities. The plan may recommend that the department be authorized to access existing data sources and conduct appropriate analyses of such data or that other agencies expand their data collection activities as statutory authority permits. The plan may identify any computing infrastructure deficiencies that impede the proper storage, transmission, and analysis of health care planning data.

(2) Recommendations for increasing the availability of data related to health care planning to provide greater community involvement in the health care planning process and consistency in data used for certificate of need applications and determinations. The plan shall also integrate the requirements for annual reports by hospitals and health care facilities pursuant to section 135.75, the provisions relating to analyses and studies by the department pursuant to section 135.76, the data compilation provisions of section 135.78, and the provisions for contracts for assistance with analyses, studies, and data pursuant to section 135.83.

(3) An assessment of emerging trends in health care delivery and technology as they relate to access to health care facilities and services, quality of care, and costs of care. The assessment shall recommend any changes to the scope of health care facilities and services covered by the certificate of need program that may be warranted by these emerging trends. In addition, the assessment may recommend any changes to criteria used by the department to review certificate of need applications, as necessary.

(4) A rural health care resources plan to assess the availability of health resources in rural areas of the state, assess the unmet needs of these communities, and evaluate how federal and state reimbursement policies can be modified, if necessary, to more efficiently and effectively meet the health care needs of rural communities. The plan shall consider the unique health care needs of rural communities, the adequacy of the rural health care workforce, and transportation needs for accessing appropriate care.

(5) A health care workforce resources plan to assure a competent, diverse, and sustainable health care workforce in Iowa and to improve access to health care in underserved areas and among underserved populations. The plan shall include the establishment of an advisory council to inform and advise the department and
policymakers regarding issues relevant to the health care workforce in Iowa. The health care workforce resources plan shall recognize long-term care as an essential service provided by the health care workforce.

4. The department shall submit the initial statewide health care delivery infrastructure and resources strategic plan to the governor and the general assembly by January 1, 2010, and shall submit an updated strategic plan to the governor and the general assembly every two years thereafter.

Sec. 59. HEALTH CARE ACCESS – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For activities associated with the health care access requirements of this division, and for not more than the following full-time equivalent positions:

<table>
<thead>
<tr>
<th>Amount</th>
<th>FTEs</th>
</tr>
</thead>
<tbody>
<tr>
<td>$172,200</td>
<td>3.00</td>
</tr>
</tbody>
</table>

DIVISION XIII PREVENTION AND WELLNESS INITIATIVES

Sec. 60. Section 135.27, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

135.27 IOWA HEALTHY COMMUNITIES INITIATIVE – GRANT PROGRAM.

1. PROGRAM GOALS. The department shall establish a grant program to energize local communities to transform the existing culture into a culture that promotes healthy lifestyles and leads collectively, community by community, to a healthier state. The grant program shall expand an existing healthy communities initiative to assist local boards of health, in collaboration with existing community resources, to build community capacity in addressing the prevention of chronic disease that results from risk factors including overweight and obesity conditions.

2. DISTRIBUTION OF GRANTS. The department shall distribute the grants on a competitive basis and shall support the grantee communities in planning and developing wellness strategies and establishing methodologies to sustain the strategies. Grant criteria shall be consistent with the existing statewide initiative between the department and the department’s partners that promotes increased opportunities for physical activity and healthy eating for Iowans of all ages, or its successor, and the statewide comprehensive plan developed by the existing statewide initiative to increase physical activity, improve nutrition, and promote healthy behaviors. Grantees shall demonstrate an ability to maximize local, state, and federal resources effectively and efficiently.

3. DEPARTMENTAL SUPPORT. The department shall provide support to grantees including capacity-building strategies, technical assistance, consultation, and ongoing evaluation.

4. ELIGIBILITY. Local boards of health representing a coalition of health care providers and community and private organizations are eligible to submit applications.

Sec. 61. NEW SECTION. 135.27A GOVERNOR’S COUNCIL ON PHYSICAL FITNESS AND NUTRITION.

1. A governor’s council on physical fitness and nutrition is established consisting of twelve members appointed by the governor who have expertise in physical activity, physical fitness, nutrition, and promoting healthy behaviors. At least one member shall be a representative of elementary and secondary physical education professionals, at least one member shall be a health care professional, at least one member shall be a registered dietician, at least one member shall be recommended by the department of elder affairs, and at least one member shall be an active nutrition or fitness professional. In addition, at least one member shall be a member of a racial or ethnic minority. The governor shall select a chairperson for the council. Members shall serve
terms of three years beginning and ending as provided in section 69.19. Appointments are subject to sections 69.16 and 69.16A. Members are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties. A member of the council may also be eligible to receive compensation as provided in section 7E.6.

2. The council shall assist in developing a strategy for implementation of the statewide comprehensive plan developed by the existing statewide initiative to increase physical activity, improve physical fitness, improve nutrition, and promote healthy behaviors. The strategy shall include specific components relating to specific populations and settings including early childhood, educational, local community, worksite wellness, health care, and older Iowans. The initial draft of the implementation plan shall be submitted to the governor and the general assembly by December 1, 2008.

3. The council shall assist the department in establishing and promoting a best practices internet site. The internet site shall provide examples of wellness best practices for individuals, communities, workplaces, and schools and shall include successful examples of both evidence-based and nonscientific programs as a resource.

4. The council shall provide oversight for the governor’s physical fitness challenge. The governor’s physical fitness challenge shall be administered by the department and shall provide for the establishment of partnerships with communities or school districts to offer the physical fitness challenge curriculum to elementary and secondary school students. The council shall develop the curriculum, including benchmarks and rewards, for advancing the school wellness policy through the challenge.

Sec. 62. IOWA HEALTHY COMMUNITIES INITIATIVE – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For Iowa healthy communities initiative grants distributed beginning January 1, 2009, and for not more than the following full-time equivalent positions:

$ 900,000
FTEs 3.00

Sec. 63. GOVERNOR’S COUNCIL ON PHYSICAL FITNESS AND NUTRITION – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal period beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For the governor’s council on physical fitness:

$ 112,100

Sec. 64. SMALL BUSINESS QUALIFIED WELLNESS PROGRAM TAX CREDIT – PLAN. The department of public health, in consultation with the insurance division of the department of commerce and the department of revenue, shall develop a plan to provide a tax credit to small businesses that provide qualified wellness programs to improve the health of their employees. The plan shall include specification of what constitutes a small business for the purposes of the qualified wellness program, the minimum standards for use by a small business in establishing a qualified wellness program, the criteria and a process for certification of a small business qualified wellness program, and the process for claiming a small business qualified wellness program tax credit. The department of public health shall submit the plan including any recommendations for changes in law to implement a small business qualified wellness program tax credit to the governor and the general assembly by December 15, 2008.

DIVISION XIV
HEALTH CARE TRANSPARENCY
DIVISION XXV
HEALTH CARE TRANSPARENCY

Sec. 65. NEW SECTION. 135.165 HEALTH CARE TRANSPARENCY – REPORTING REQUIREMENTS – HOSPITALS AND NURSING FACILITIES.

Each hospital and nursing facility in this state that is recognized by the Internal Revenue Code as a nonprofit organization or entity shall submit to the department of public health and the legislative services agency, annually, a copy of the hospital’s internal revenue service form 990, including but not limited to schedule J or any successor schedule that provides compensation information for certain officers, directors, trustees, and key employees, information about the highest compensated employees, and information regarding revenues, expenses, excess or surplus revenues, and reserves within ninety days following the due date for filing the hospital’s or nursing facility’s return for the taxable year.

Sec. 66. Section 136.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 14. To the greatest extent possible integrate the efforts of the governing entities of the Iowa health information technology system pursuant to division XXI, the medical home pursuant to division XXII, the prevention and chronic care management initiative pursuant to division XXIII, and health and long-term care access pursuant to division XXIV.

Sec. 67. HEALTH CARE QUALITY AND COST TRANSPARENCY – WORKGROUP.

1. A health care quality and cost transparency workgroup is created to develop recommendations for legislation and policies regarding health care quality and cost including measures to be utilized in providing transparency to consumers of health care and health care coverage. Membership of the workgroup shall be determined by the legislative council in consultation with the chairpersons and ranking members of the joint appropriations subcommittee on health and human services and the chairpersons and ranking members of the committees on human resources of the senate and house of representatives. Membership of the workgroup shall include but is not limited to representatives of the Iowa healthcare collaborative, the department of public health, the department of human services, the insurance division of the department of commerce, the Iowa hospital association, the Iowa medical society, the Iowa health buyers alliance, the AARP Iowa chapter, the university of Iowa public policy center, and other interested consumers, advocates, purchasers, providers, and legislators. The legislative services agency shall provide staffing assistance to the workgroup.

2. The workgroup shall do all of the following:
   a. Review the approaches of other states quality and cost in addressing health care transparency information.
   b. Develop and compile recommendations and strategies to lower health care costs and health care coverage costs for consumers and businesses.
   c. Make recommendations, including any necessary legislation, regarding reporting of health care quality and cost measures. The measures recommended for adoption shall be those measures endorsed by the national quality forum. However, if an area of measurement is deemed important by the workgroup, but the national quality forum has not endorsed such area of measurement, the workgroup may recommend, in order of priority, the measures of other national accreditation organizations such as the national committee for quality assurance, the joint commission, the centers for Medicare and Medicaid services of the United States department of health and human services, or the agency for healthcare research and quality. Any measure
recommended for adoption shall be evidence-based and clinically important, reasonably feasible to implement, and easily understood by the health care consumer.

d. Make recommendations regarding the collection and publishing of health care quality and cost measures. Measures shall be collected from health plans, hospitals, and physicians and published on a public internet site available to the general public. The recommendations shall include how the internet site will be maintained and utilization of a format to ensure that the information provided is understood by the health care consumer.

e. Submit a written report of all recommendations to the general assembly on or before December 15, 2008.

3. The legislative council, pursuant to its authority in section 2.42, may allocate to the workgroup funding from moneys available to it in section 2.12 for the purpose of providing expert support to the workgroup.

Sec. 68. EFFECTIVE DATE. The provision in this division of this Act creating a health care quality and cost transparency workgroup, being deemed of immediate importance, takes effect upon enactment.

DIVISION XV
DIRECT CARE WORKFORCE

Sec. 69. DIRECT CARE WORKER ADVISORY COUNCIL – DUTIES – REPORT.
1. As used in this section, unless the context otherwise requires:
   a. "Department" means the department of public health.
   b. "Direct care" means environmental or chore services, health monitoring and maintenance, assistance with instrumental activities of daily living, assistance with personal care activities of daily living, personal care support, or specialty skill services.
   c. "Direct care worker" means an individual who directly provides or assists a consumer in the care of the consumer by providing direct care in a variety of settings which may or may not require supervision of the direct care worker, depending on the setting and the skills that the direct care workers possess, based on education or certification.
   d. "Director" means the director of public health.

2. A direct care worker advisory council shall be appointed by the director and shall include representatives of direct care workers, consumers of direct care services, educators of direct care workers, other health professionals, employers of direct care workers, and appropriate state agencies.

3. Membership, terms of office, quorum, and expenses shall be determined by the director in accordance with the applicable provisions of section 135.11.

4. The direct care worker advisory council shall advise the director regarding regulation and certification of direct care workers, based on the work of the direct care workers task force established pursuant to 2005 Iowa Acts, chapter 88, and shall develop recommendations regarding but not limited to all of the following:
   a. Direct care worker classifications based on functions and services provided by direct care workers.
   b. Functions for each direct care worker classification.
   c. An education and training orientation to be provided by employers.
   d. Education and training requirements for each direct care worker classification.
   e. The standard curriculum required for each direct care worker classification.
   f. Education and training equivalency standards for each direct care worker classification.
   g. Guidelines that allow individuals who are members of the direct care workforce prior to the date of required certification to be incorporated into the new regulatory system.
   h. Continuing education requirements for each direct care worker classification.
i. Standards for direct care worker educators and trainers.

j. Certification requirements for each direct care worker classification.

k. Protections for the title “certified direct care worker”.

l. Standardized requirements for supervision of each direct care worker classification, as applicable, and the roles and responsibilities of supervisory positions.

m. Responsibility for maintenance of credentialing and continuing education and training.

n. Provision of information to income maintenance workers and case managers under the purview of the department of human services about the education and training requirements for direct care workers to provide the care and services to meet consumer needs.

5. The direct care worker advisory council shall report its recommendations to the director by November 30, 2008, including recommendations for any changes in law or rules necessary.


Sec. 70. DIRECT CARE WORKER COMPENSATION ADVISORY COMMITTEE – REVIEWS.

1. a. The general assembly recognizes that direct care workers play a vital role and make a valuable contribution in providing care to Iowans with a variety of needs in both institutional and home and community-based settings. Recruiting and retaining qualified, highly competent direct care workers is a challenge across all employment settings. High rates of employee vacancies and staff turnover threaten the ability of providers to achieve the core mission of providing safe and high quality support to Iowans.

b. It is the intent of the general assembly to address the long-term care workforce shortage and turnover rates in order to improve the quality of health care delivered in the long-term care continuum by reviewing wages and other compensation paid to direct care workers in the state.

c. It is the intent of the general assembly that the initial review of and recommendations for improving wages and other compensation paid to direct care workers focus on nonlicensed direct care workers in the nursing facility setting. However, following the initial review of wages and other compensation paid to direct care workers in the nursing facility setting, the department of human services shall convene subsequent advisory committees with appropriate representatives of public and private organizations and consumers to review the wages and other compensation paid to and turnover rates of the entire spectrum of direct care workers in the various settings in which they are employed as a means of demonstrating the general assembly’s commitment to ensuring a stable and quality direct care workforce in this state.

2. The department of human services shall convene an initial direct care worker compensation advisory committee to develop recommendations for consideration by the general assembly during the 2009 legislative session regarding wages and other compensation paid to direct care workers in nursing facilities. The committee shall consist of the following members, selected by their respective organizations:

a. The director of human services, or the director’s designee.

b. The director of public health, or the director’s designee.

c. The director of the department of elder affairs, or the director’s designee.

d. The director of the department of inspections and appeals, or the director’s designee.

e. A representative of the Iowa caregivers association.

f. A representative of the Iowa health care association.

g. A representative of the Iowa association of homes and services for the aging.
h. A representative of the AARP Iowa chapter.

3. The advisory committee shall also include two members of the senate and two members of the house of representatives, with not more than one member from each chamber being from the same political party. The legislative members shall serve in an ex officio, nonvoting capacity. The two senators shall be appointed respectively by the majority leader of the senate and the minority leader of the senate, and the two representatives shall be appointed respectively by the speaker of the house of representatives and the minority leader of the house of representatives.

4. Public members of the committee shall receive actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6. Legislative members of the committee are eligible for per diem and reimbursement of actual expenses as provided in section 2.10.

5. The department of human services shall provide administrative support to the committee and the director of human services or the director’s designee shall serve as chairperson of the committee.

6. The department shall convene the committee no later than July 1, 2008. Prior to the initial meeting, the department of human services shall provide all members of the committee with a detailed analysis of trends in wages and other compensation paid to direct care workers.

7. The committee shall consider options related but not limited to all of the following:
   a. The shortening of the time delay between a nursing facility’s submittal of cost reports and receipt of the reimbursement based upon these cost reports.
   b. The targeting of appropriations to provide increases in direct care worker compensation.
   c. Creation of a nursing facility provider tax.

8. Any option considered by the committee shall be consistent with federal law and regulations.

9. Following its deliberations, the committee shall submit a report of its findings and recommendations regarding improvement in direct care worker wages and other compensation in the nursing facility setting to the governor and the general assembly no later than December 12, 2008.

10. For the purposes of the initial review, “direct care worker” means nonlicensed nursing facility staff who provide hands-on care including but not limited to certified nurse aides and medication aides.

Sec. 71. DIRECT CARE WORKER IN NURSING FACILITIES – TURNOVER REPORT. The department of human services shall modify the nursing facility cost reports utilized for the medical assistance program to capture data by the distinct categories of nonlicensed direct care workers and other employee categories for the purposes of documenting the turnover rates of direct care workers and other employees of nursing facilities. The department shall submit a report on an annual basis to the governor and the general assembly which provides an analysis of direct care worker and other nursing facility employee turnover by individual nursing facility, a comparison of the turnover rate in each individual nursing facility with the state average, and an analysis of any improvement or decline in meeting any accountability goals or other measures related to turnover rates. The annual reports shall also include any data available regarding turnover rate trends, and other information the department deems appropriate. The initial report shall be submitted no later than December 1, 2008, and subsequent reports shall be submitted no later than December 1, annually, thereafter.

Sec. 72. VOLUNTARY EMPLOYER-SPONSORED HEALTH CARE COVERAGE DEMONSTRATION PROJECT – DIRECT CARE WORKERS.
1. a. The department of human services in collaboration with the insurance division of the department of commerce shall design a demonstration project to provide a health care coverage premium assistance program for nonlicensed direct care workers. Participation in the demonstration project shall be offered to employers and nonlicensed direct care workers on a voluntary basis.

b. The department in collaboration with the division shall convene an advisory council consisting of representatives of the Iowa caregivers association, the Iowa child and family policy center, the Iowa association of homes and services for the aging, the Iowa health care association, the federation of Iowa insurers, the AARP Iowa chapter, the senior living coordinating unit, and other public and private entities with interest in the demonstration project to assist in designing the project. The department in collaboration with the division shall also review the experiences of other states and the medical assistance premium assistance program in designing the demonstration project.

c. The department and the division, in consultation with the advisory council, shall establish criteria to determine which nonlicensed direct care workers shall be eligible to participate in the demonstration project, the coverage and cost parameters of the health care coverage which an employer shall provide to be eligible for participation in the project, the minimum premium contribution required of an employer to be eligible for participation in the project, income eligibility parameters for direct care workers participating in the project, minimum hours of work required of an employee to be eligible for participation in the project, and maximum premium cost limits for an employee participating in the project.

d. The project design shall allow up to 250 direct care workers and their dependents to access health care coverage sponsored by the direct care worker’s employer.

e. To the extent possible, the design of the demonstration project shall incorporate a medical home, wellness and prevention services, and chronic care management.

2. The department and the division shall submit the design for the demonstration project to the governor and the general assembly for review by December 15, 2008. If the general assembly enacts legislation to implement the demonstration project and appropriates funding for the demonstration project, the department in collaboration with the division shall implement the demonstration project for an initial two-year period.

Sec. 73. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.”

2. Title page, line 3, by striking the words ”end-of-life care decision making” and inserting the following: ”long-term living planning and patient autonomy in health care”.

3. Title page, by striking lines 5 and 6 and inserting the following: ”prevention and chronic care management.”.

4. Title page, by striking line 8 and inserting the following: ”transparency, health care access, the direct care workforce, making appropriations, and including effective date and applicability provisions.”
The House stood at ease at 4:52 p.m., until the fall of the gavel.

The House resumed session at 5:16 p.m., Speaker pro-tempore Bukta in the chair.

LEAVE OF ABSENCE

Leave of absence were granted as follows:

Jacobs of Polk and Van Engelenhoven of Marion on request of Paulsen of Linn.

Smith of Marshall moved that the House adopt the conference committee report and the amendments contained therein:

The conference committee report was adopted.

Smith of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2539)

The ayes were, 93:

Abdul-Samad    Anderson    Arnold    Bailey
Baudler        Bell        Berry      Boal
Chambers       Clute       Cohoon     Dandekar
Davitt         Deyoe       Dolecheck  Drake
Foege          Ford        Forristall Frevert
Gaskill        Gayman      Gipp       Granzow
Grassley       Greiner     Heaton     Heddens
Hoffman        Horbach     Hunter     Huseman
Huser          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      Rants
The nays were, 3:

Alons De Boef Raecker

Absent or not voting, 4:

Jacobs Roberts Van Engelenhoven Watts

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

Appropriations Calendar

*House File 2701*, 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, was taken up for consideration.

Cohoon of Des Moines offered the following amendment *H–8717* filed by him from the floor and moved its adoption:

**H–8717**

1. Amend *House File 2701* as follows:
2. 1. By striking everything after the enacting clause and inserting the following:
3. "DIVISION I
4. REBUILD IOWA INFRASTRUCTURE FUND
5. Section 1. There is appropriated from the rebuild Iowa infrastructure fund to the following departments
6. and agencies for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts,
or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES
   a. For routine maintenance of state buildings and facilities, notwithstanding section 8.57, subsection 6, paragraph “c”:
      ........................................................................................................ $3,000,000
   b. For updating the capitol complex master plan, notwithstanding section 8.57, subsection 6, paragraph “c”:
      ........................................................................................................ $250,000
   c. To provide funding and related services for capitol complex property acquisition, notwithstanding section 8.57, subsection 6, paragraph “c”:
      ........................................................................................................ $1,000,000
   d. For costs associated with developing the request for proposals necessary for the procurement and implementation of a human resources module associated with the integrated information for Iowa system, notwithstanding section 8.57, subsection 6, paragraph “c”:
      ........................................................................................................ $200,000
   e. For the state’s share of support in conjunction with the city of Des Moines and local area businesses to provide a free shuttle service to the citizens of Iowa visiting the capitol complex that includes transportation between the capitol complex and the downtown Des Moines area, notwithstanding section 8.57, subsection 6, paragraph “c”:
      ........................................................................................................ $170,000
   Details for the shuttle service, including the route to be served, shall be determined pursuant to an agreement to be entered into by the department with the Des Moines area regional transit authority (DART) and any other participating entities.
   Of the amount appropriated in this lettered paragraph, up to $50,000 shall be used to encourage state employees to utilize transit services provided by the Des Moines area regional transit authority.
   f. For distribution to other governmental entities, notwithstanding section 8.57, subsection 6, paragraph “c”:
      ........................................................................................................ $2,000,000

Moneys appropriated in this lettered paragraph shall be separately accounted for in a distribution account and shall be distributed to other governmental entities based upon a formula established by the department to pay for services provided during the
fiscal year to such other governmental entities by the
department associated with the integrated information
for Iowa system, notwithstanding section 8.57,
subsection 6, paragraph "c". Additionally, the
department may use any unexpended or unencumbered
amount in the distribution account for the purchase of
an existing license for which the state has made
partial payment. Notwithstanding section 8.33, any
remaining balance in the distribution account as of
June 30, 2009, shall not revert but shall remain
available to be used for additional operational
depenses related to the integrated information for
Iowa system during the subsequent fiscal year.
g. For a contract project manager for the Iowa
veterans home, notwithstanding section 8.57,
subsection 6, paragraph "c":

................................................................. $200,000

It is the intent of the general assembly that the
Iowa veterans home work with the project manager to
proceed with the master plan for the Iowa veterans
home. The Iowa veterans home shall submit a report to
the general assembly on or before December 31, 2008,
detailing the progress of the work, the amount of
money spent, and the amount of federal funding
received.

2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
For allocation to the Iowa junior Gelbvieh
association in connection with the 2009 national
junior Gelbvieh heifer show, notwithstanding section
8.57, subsection 6, paragraph "c":

................................................................. $10,000

3. DEPARTMENT OF CORRECTIONS
a. For architecture and engineering costs
associated with the building projects at Fort Madison
prison and Mitchellville prison, notwithstanding
section 8.57, subsection 6, paragraph "c":

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

b. For project management costs associated with
construction projects at the department
notwithstanding section 8.57, subsection 6, paragraph
"c":

................................................................. $500,000

c. For a study related to the fifth judicial
district department of correctional services,
notwithstanding section 8.57, subsection 6, paragraph
"c":

................................................................. $200,000

As a condition of receiving the appropriation in
this lettered paragraph, the department of corrections shall collaborate with the fifth judicial district department of correctional services, the fifth judicial district board of directors, and providers within the local justice system to study potential locations of residential facilities to add no more than 170 beds. The study may address the infrastructure needs of the district department. The department of corrections and the fifth judicial district department of correctional services shall comply with section 905.13. The funds may be used to secure an option for the potential purchase of land contingent upon state appropriations being made for that specific purpose and architectural and engineering fees.

4. DEPARTMENT OF CULTURAL AFFAIRS
   a. For deposit into the Iowa great places program fund created in section 303.3D for Iowa great places program projects that meet the definition of "vertical infrastructure" in section 8.57, subsection 6, paragraph "c":
   ......................................................................................................... $2,000,000
   b. For historical site preservation grants to be used for the restoration, preservation, and development of historic sites:
   ......................................................................................................... $1,000,000
   In making grants pursuant to this lettered paragraph, the department shall consider the existence and amount of other funds available to an applicant for the designated project. A grant awarded from moneys appropriated in this lettered paragraph shall not exceed $100,000 per project. Not more than two grants may be awarded in the same county.
   c. For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection, notwithstanding section 8.57, subsection 6, paragraph "c":
   ......................................................................................................... $220,000
   d. For repairs to the historic Kimball organ located in Clermont, Iowa, notwithstanding section 8.57, subsection 6, paragraph "c":
   ......................................................................................................... $80,000

5. DEPARTMENT OF ECONOMIC DEVELOPMENT
   a. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of "vertical infrastructure" in section
8.57, subsection 6, paragraph "c":

The moneys appropriated in this lettered paragraph shall be allocated equally among the community colleges in the state. If any portion of the equal allocation to a community college is not obligated or encumbered by April 1, 2009, the unobligated and unencumbered portions shall be made available by the department for use by other community colleges.

b. For infrastructure expenses to support the development and expansion of targeted industry areas of advanced manufacturing, bioscience, and information technology pursuant to section 15.411, notwithstanding section 8.57, subsection 6, paragraph "c":

$900,000

c. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321:

$900,000

d. For deposit into the workforce training and economic development funds created for each community college in section 260C.18A, notwithstanding section 8.57, subsection 6, paragraph "c":

$500,000

e. For deposit into the river enhancement community attraction and tourism fund created in 2008 Iowa Acts, Senate File 2430, if enacted:

$10,000,000

f. For the construction of a multiuse community center in Des Moines:

$100,000

6. DEPARTMENT OF EDUCATION

a. To provide resources for structural and technological improvements to local libraries and for the enrich Iowa program, notwithstanding section 8.57, subsection 6, paragraph "c":

$1,000,000

Of the amount of this appropriation, $50,000 shall be allocated equally to each library service area.

b. For implementation of the provisions of chapter 280A, notwithstanding section 8.57, subsection 6, paragraph "c":

$250,000

c. For allocation to eastern Iowa community college merged area IX with an established agricultural learning center for the construction of an agricultural learning center in Muscatine:
7. DEPARTMENT OF HUMAN SERVICES

a. For the renovation and construction of certain
   nursing facilities, consistent with the provisions of
   chapter 249K: ................................................................. $600,000

b. For a study of ways to enhance access to health
   insurance by registered child development home
   providers in accordance with this section,
   notwithstanding section 8.57, subsection 6, paragraph
   "c": ........................................................................ $50,000

   The study shall be conducted jointly with the
   collective bargaining organization representing
   registered child development home providers and the
   organization shall match the funding provided in this
   section.

c. For costs associated with the child care
   workgroup established pursuant to this paragraph,
   notwithstanding section 8.57, subsection 6, paragraph
   "c": ........................................................................ $30,000

   (1) (a) The state child care advisory council
   established pursuant to section 237A.21 shall serve as
   a workgroup to address implementation of the
   provisions of this lettered paragraph and the issues
   identified in this lettered paragraph.

   (b) The workgroup shall submit a report to the
   governor and general assembly with findings and
   recommendations on or before December 15, 2008. In
   addition to addressing the other issues listed in this
   lettered paragraph, the report shall provide options
   for revising the regulatory system for home-based
   child care providers. The options provided shall
   include but are not limited to mandatory registration,
   voluntary licensure, and mandatory licensure.

   (c) The workgroup shall address the implementation
   issues associated with a change in child care
   regulation to mandatory registration or voluntary or
   mandatory licensure as described in subparagraph
   subdivision (b). The issues considered shall include
   but are not limited to planning for the phase-in of
   and costs for additional inspection visits of child
   development homes, increased expenses for state child
   care assistance program slots, revising state child
   care assistance program reimbursement methodologies to
   reward quality, and other implementation issues.

   (2) (a) The workgroup shall cooperate with early
   childhood stakeholders and the private sector in
   addressing the many publicly supported programs and
services directed to early childhood and issues
involved with redirecting the programs and services to
be part of a cohesive child care system.
(b) The issues addressed shall include
professional development of workers, improving the
workforce, ensuring articulation between programs,
meeting the needs of both children and parents,
enhancing community engagement to support early
childhood, and other efforts to address early
childhood needs with a coordinated system.
(3) In addition, the workgroup shall explore other
issues, including but not limited to all of the
following:
(a) Using the internet to provide information to
child care providers, capacity for providers to
register with the department of human services via the
internet, and training information.
(b) Creating a database of all child care
providers.
(c) Streamlining and coordinating inspections of
home-based child care providers.
(d) Providing health care insurance for providers
and their workers.
(e) Educating the public on the advantages of
using a registered child care provider.
(f) Developing possible sanctions for violations
at child care facilities other than closing the
facilities.
(g) Requiring a state and federal
fingerprint-based criminal history record check for
all licensed and registered child care providers as
well as unregistered child care home providers.
Recommendations made for purposes of this subdivision
shall include but are not limited to options for the
phasing in of required fingerprint-based checks and
addressing the frequency with which such checks should
be required.
(h) Providing additional opportunities and
resources for child care providers and instructing the
Iowa state university of science and technology
cooperative extension service in agriculture and home
economics, child care resource and referral agencies,
and community colleges to expand continuing education
opportunities offered at times the providers are not
providing care.
(i) Implementing an electronic benefit transfer
program to pay for state child care assistance.
(e) For the construction of a community and family
resources drug and gambling center in a seven-county
area:
8. IOWA FINANCE AUTHORITY
   a. For grants for distribution for water quality improvement projects for the wastewater treatment financial assistance program pursuant to section 16.134: $3,000,000
   b. For deposit into the housing trust fund created in section 16.181: $3,000,000

9. DEPARTMENT OF NATURAL RESOURCES
   a. For purposes of supporting a lowhead dam public hazard improvement program, notwithstanding section 8.57, subsection 6, paragraph "c": $1,000,000
   The department shall award grants to dam owners including counties, cities, state agencies, cooperatives, and individuals, to support projects approved by the department.
   The department shall require each dam owner applying for a project grant to submit a project plan for the expenditure of the moneys, and file a report with the department regarding the project, as required by the department.
   The funds can be used for signs, posts, and related cabling, and the department shall only award money on a matching basis, pursuant to the dam owner contributing at least 20 cents for every 80 cents awarded by the department, in order to finance the project. For the remainder of the funds, including any balance of money not awarded for signs, posts, and related cabling, the department shall only award moneys to a dam owner on a matching basis. A dam owner shall contribute one dollar for each dollar awarded by the department in order to finance a project.
   b. For lake dredging and related improvements including ongoing dam maintenance and operation on a lake with public access that has the support of a benefited lake district located in a county with a population between 18,015 and 18,050 according to the 2005 population estimate issued by the federal government, notwithstanding section 8.57, subsection 6, paragraph "c": $100,000
   c. For a grant to a city with a population of more than 30,500 but less than 31,500, according to the 2006 estimate issued by the United States bureau of the census, notwithstanding section 8.57, subsection
6, paragraph "c":
......................................................................................................... $150,000

Page 8

1 The grant shall be used to conduct a study of the
2 feasibility of the use of plasma arc and other related
3 energy technology for disposal of solid waste while
4 generating energy.
5
6 10. DEPARTMENT OF PUBLIC DEFENSE
7 a. For upgrades to the Camp Dodge water
distribution system:
8 ......................................................................................................... $410,000
9 b. For major maintenance projects at national
guard armories and facilities:
10 ......................................................................................................... $1,500,000
11 c. For the renovation and modernization of the
12 national guard armory in Ottumwa:
13 ......................................................................................................... $500,000
14 d. For upgrades to the Camp Dodge electrical
distribution system:
15 ......................................................................................................... $526,000
16 e. For construction improvement projects at
17 statewide national guard armories:
18 ......................................................................................................... $1,800,000
19
20 11. DEPARTMENT OF PUBLIC HEALTH
21 For a grant to an existing national affiliated
22 volunteer eye organization that has an established
23 program for children and adults and that is solely
24 dedicated to preserving sight and preventing blindness
25 through education, nationally certified vision
26 screening and training, community and patient service
27 programs, notwithstanding section 8.57, subsection 6,
28 paragraph "c":
29 ......................................................................................................... $130,000
30
31 12. STATE BOARD OF REGENTS
32 a. For allocation by the state board of regents to
33 the state university of Iowa, the Iowa state
34 university of science and technology, and the
35 university of northern Iowa to reimburse the
36 institutions for deficiencies in their operating funds
37 resulting from the pledging of tuition, student fees
38 and charges, and institutional income to finance the
39 cost of providing academic and administrative
40 buildings and facilities and utility services at the
41 institutions, notwithstanding section 8.57, subsection
42 6, paragraph "c":
43 ......................................................................................................... $24,305,412
44 b. For phase II of the construction and renovation
45 of the veterinary medical facilities at Iowa state
university of science and technology, specifically the
renovation and modernization of the area formerly
occupied by the large animal area of the teaching
hospital for expanded clinical services:
......................................................................................................... $1,800,000

1. For the midwest grape and wine industry
institute at Iowa state university of science and
technology, notwithstanding section 8.57, subsection
6, paragraph "c":
......................................................................................................... $50,000

DEPARTMENT OF TRANSPORTATION
a. For acquiring, constructing, and improving
recreational trails within the state:
......................................................................................................... $3,000,000

Moneys appropriated in this lettered paragraph may
be used for purposes of building equestrian or
snowmobile trails that run parallel to a recreational
trail. It is the intent of the general assembly to
promote multiple uses for trails funding in this
lettered paragraph and to maximize the number of trail
users.

Of the amounts appropriated in this lettered
paragraph, the following amounts shall be allocated as
follows:

(1) For infrastructure improvements for a river
water trail located in a county with a population
between 20,000 and 20,250:
......................................................................................................... $100,000

(2) For developing and completing a recreational
trail beginning at the entrance of Stone state park
and continuing south for one and one-eighth miles
along, but separate from, state highway 12:
......................................................................................................... $100,000

(3) To the area 15 regional planning commission
for the development of the American gothic regional
trail project:
......................................................................................................... $100,000

(4) For the development of the Principal riverwalk
in downtown Des Moines:
......................................................................................................... $750,000

(5) For the development of the Summerset trail
from Indianola to Des Moines to Carlisle:
......................................................................................................... $100,000

(6) For general infrastructure improvements for
the Crawford county trail:
......................................................................................................... $30,000

b. For deposit into the railroad revolving loan
and grant fund created in section 327H.20A,
notwithstanding section 8.57, subsection 6, paragraph
"c": ................................................................. $2,000,000

It is the intent of the general assembly that the moneys appropriated in this lettered paragraph shall be used to generate at least $10,000,000 in vertical infrastructure capital investments.

c. For the construction of a depot and platform to accommodate the future Amtrak service from Dubuque to Chicago: ................................................................. $300,000
d. For infrastructure improvements at general aviation airports within the state: ................................................................. $750,000

14. TREASURER OF STATE

a. For county fair infrastructure improvements for distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs: ................................................................. $1,590,000

Of the amount appropriated in this lettered paragraph, $530,000 shall be deposited into the fairgrounds infrastructure aid fund created pursuant to section 12.101, as enacted in this Act, for fairgrounds infrastructure aid as provided in section 12.102, as enacted in this Act.
b. For deposit in the watershed improvement fund created in section 466A.2, notwithstanding section 8.57, subsection 6, paragraph "c": ................................................................. $5,000,000

15. DEPARTMENT OF VETERANS AFFAIRS

For transfer to the Iowa finance authority for the continuation of the home ownership assistance program for persons who are or were eligible members of the armed forces of the United States, pursuant to section 16.54, as enacted by 2008 Iowa Acts, Senate File 2354, if enacted, notwithstanding section 8.57, subsection 6, paragraph "c": ................................................................. $1,600,000

Of the funds transferred pursuant to this subsection, the Iowa finance authority may retain not more than $20,000 for administrative purposes.

Sec. 2. REVERSION. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2008, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2011, or until the project...
for which the appropriation was made is completed,
whichever is earlier.
Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
is appropriated from the rebuild Iowa infrastructure
fund to the department of economic development for the
fiscal year beginning July 1, 2007, and ending July 1,
2008, the following amount, or so much thereof as is
necessary, to be used for the purpose designated:

For the central Iowa expo for the design and
development of a long-term facility for an outdoor
farm show:

$250,000

Notwithstanding section 8.33, moneys appropriated
in this section for the fiscal year beginning July 1,
2007, and ending June 30, 2008, shall not revert at
the close of the fiscal year for which they are
appropriated but shall remain available for the
purposes designated until the close of the fiscal year
that begins July 1, 2010, or until the project for
which the appropriation was made is completed,
whichever is earlier.

Sec. 4. STATE BOARD OF REGENTS. There is
appropriated from the rebuild Iowa infrastructure fund
to the state board of regents for the fiscal year
beginning July 1, 2009, and ending June 30, 2010, the
following amount, or so much thereof as is necessary,
to be used for the purposes designated:
For allocation by the state board of regents to the
state university of Iowa, the Iowa state university of
science and technology, and the university of northern
Iowa to reimburse the institutions for deficiencies in
their operating funds resulting from the pledging of
tuition, student fees and charges, and institutional
income to finance the cost of providing academic and
administrative buildings and facilities and utility
services at the institutions, notwithstanding section
8.57, subsection 6, paragraph “c”:

$24,305,412

Notwithstanding section 8.33, moneys appropriated
in this section for the fiscal year beginning July 1,
2009, and ending June 30, 2010, shall not revert at
the close of the fiscal year for which they are
appropriated but shall remain available for the
purpose designated until the close of the fiscal year
that begins July 1, 2012, or until the project for
which the appropriation was made is completed,
whichever is earlier.

Sec. 5. DEPARTMENT OF PUBLIC DEFENSE. There is
appropriated from the rebuild Iowa infrastructure fund
to the department of public defense for the designated
fiscal years the following amounts, or so much thereof
as is necessary, to be used for the purpose
designated:

For construction improvement projects at statewide
national guard armories:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2009-2010</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>FY 2010-2011</td>
<td>$1,800,000</td>
</tr>
</tbody>
</table>

Notwithstanding section 8.33, moneys appropriated

in this section for the fiscal year beginning July 1,
and ending June 30, 2010, shall not revert at
the close of the fiscal year for which they are
appropriated but shall remain available for the
purpose designated until the close of the fiscal year
that begins July 1, 2012, or until the project for
which the appropriation was made is completed,
whichever is earlier.

Notwithstanding section 8.33, moneys appropriated
in this section for the fiscal year beginning July 1,
and ending June 30, 2011, shall not revert at
the close of the fiscal year for which they are
appropriated but shall remain available for the
purpose designated until the close of the fiscal year
that begins July 1, 2013, or until the project for
which the appropriation was made is completed,
whichever is earlier.

Sec. 6. DEPARTMENT OF CORRECTIONS. There is
appropriated from the rebuild Iowa infrastructure fund
to the department of corrections for the designated
fiscal years the following amounts, or so much thereof
as is necessary, to be used for the purposes
designated:

For expansion of the Iowa correctional facility for
women at Mitchellville:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2010-2011</td>
<td>$11,700,000</td>
</tr>
<tr>
<td>FY 2011-2012</td>
<td>$8,779,000</td>
</tr>
</tbody>
</table>

Notwithstanding section 8.33, moneys appropriated
in this section for the fiscal year beginning July 1,
and ending June 30, 2011, shall not revert at
the close of the fiscal year for which they are
appropriated but shall remain available for the
purpose designated until the close of the fiscal year
that begins July 1, 2013, or until the project for
which the appropriation was made is completed,
whichever is earlier.

Notwithstanding section 8.33, moneys appropriated
in this section for the fiscal year beginning July 1,
2011, and ending June 30, 2012, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2014, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for the designated fiscal years the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For deposit into the river enhancement community attraction and tourism fund created in 2008 Iowa Acts, Senate File 2430, if enacted:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Appropriation Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2009-2010</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>FY 2010-2011</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>FY 2011-2012</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>FY 2012-2013</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2010, and ending June 30, 2011, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2013, or until the project for which the appropriation was made is completed, whichever is earlier.

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2011, and ending June 30, 2012, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2014, or until the project for which the appropriation was made is completed, whichever is earlier.
in this section for the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall not revert at
the close of the fiscal year for which they are
appropriated but shall remain available for the
purpose designated until the close of the fiscal year
that begins July 1, 2015, or until the project for
which the appropriation was made is completed,
whichever is earlier.

Sec. 8. The section of this division of this Act
making an appropriation to the department of economic
development for a central Iowa expo for the fiscal
year beginning July 1, 2007, being deemed of immediate
importance, takes effect upon enactment.

DIVISION II

ENDOWMENT FOR IOWA'S HEALTH RESTRICTED
CAPITALS FUND

Sec. 9. There is appropriated from the endowment
for Iowa's health restricted capitals fund to the
following departments and agencies for the fiscal year
beginning July 1, 2008, and ending June 30, 2009, the
following amounts, or so much thereof as is necessary,
to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES
   a. For the installation of preheat piping in the
      Lucas state office building: ................................................................. $300,000
   b. For costs associated with the capitol complex
      alternative energy system: ............................................................... $200,000

2. DEPARTMENT OF ECONOMIC DEVELOPMENT
   For accelerated career education program capital
   projects at community colleges that are authorized
   under chapter 260G and that meet the definition of
   "vertical infrastructure" in section 8.57, subsection
   6, paragraph "c": ................................................................................. $4,600,000

Sec. 10. TAX-EXEMPT STATUS – USE OF
APPROPRIATIONS. Payment of moneys from the
appropriations in this division of this Act shall be
made in a manner that does not adversely affect the
tax-exempt status of any outstanding bonds issued by
the tobacco settlement authority.

Sec. 11. REVERSION. Notwithstanding section 8.33,
moneys appropriated for the fiscal year beginning July
1, 2008, and ending June 30, 2009, in this division of
this Act that remain unencumbered or unobligated at
the close of the fiscal year shall not revert but
shall remain available for the purposes designated
until the close of the fiscal year that begins July 1,
2011, or until the project for which the appropriation
was made is completed, whichever is earlier.

DIVISION III
TAX-EXEMPT BOND PROCEEDS RESTRICTED
CAPITAL FUNDS ACCOUNT

Sec. 12. There is appropriated from the tax-exempt
bond proceeds restricted capital funds account of the
tobacco settlement trust fund to the following
departments and agencies for the fiscal year beginning
July 1, 2008, and ending June 30, 2009, the following
amounts, or so much thereof as is necessary, to be
used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES
For costs associated with the restoration and
maintenance, at the governor's mansion at Terrace
Hill:

$186,457

2. DEPARTMENT OF NATURAL RESOURCES
For the construction of the cabins, activity
building, picnic shelters, and other costs associated
with the opening of the Honey creek premier
destination park:

$3,100,000

The department shall not obligate any funding under
this appropriation without approval from the
department of management. The department shall give
quarterly updates to the Honey creek premier
destination park authority and the legislative
services agency on the obligation and spending of this
appropriation.

In light of this appropriation, the department
shall not request additional appropriations for
funding the construction of future additional
amenities at the Honey creek destination park beyond
the fiscal year ending June 30, 2009. In the event
that the chairperson of the authority delivers a
certificate to the governor, pursuant to section
463C.13, stating the amounts necessary to restore bond
reserve funds, it is the general assembly's intent
upon consideration of the governor's request to first
seek refunding from the department's budget.

Sec. 13. TAX-EXEMPT STATUS – USE OF
APPROPRIATIONS. Payment of moneys from the
appropriations in this division of this Act shall be
made in a manner that does not adversely affect the
tax-exempt status of any outstanding bonds issued by
the tobacco settlement authority.

Sec. 14. REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act for the fiscal year beginning July 1, 2008, and ending June 30, 2009, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2011, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION IV
TECHNOLOGY REINVESTMENT FUND

Sec. 15. There is appropriated from the technology reinvestment fund created in section 8.57C to the following departments and agencies for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES
   For technology improvement projects: ................................................................. $3,980,255

2. DEPARTMENT OF CORRECTIONS
   For costs associated with the Iowa corrections offender network data system: ................................................................. $500,000

3. DEPARTMENT OF CULTURAL AFFAIRS
   For providing a grant to the Grout museum district at the Sullivan brothers veterans museum for costs associated with the oral history exhibit including but not limited to exhibit information technology, computer connectivity, and interactive display technologies: ................................................................. $500,000

4. DEPARTMENT OF EDUCATION
   a. For maintenance and lease costs associated with connections for Part III of the Iowa communications network: ................................................................. $2,727,000
   b. To the public broadcasting division for the purchase and installation of generators at transmitter sites: ................................................................. $1,602,437
   c. To the public broadcasting division for the replacement and digital conversion of the Keosauqua translator: ................................................................. $701,500
   d. For the implementation of an educational data warehouse that will be utilized by teachers, parents,
school district administrators, area education agency staff, department of education staff, and policymakers:

\[ \text{e. For continuation of the skills Iowa technology grant program in accordance with this lettered paragraph:} \]
\[ \text{The amount appropriated in this lettered paragraph shall be used to continue the skills Iowa technology grant program, previously known as the follow-the-leader technology grant program. The purpose of the program is to provide assessment and remediation tools to classrooms, to enhance teachers' ability to easily assess the skill levels of individual students and prescribe individualized instruction plans based on those assessments, and provide for professional development of teachers. The department shall contract with a not-for-profit entity with at least two years experience with the skills Iowa technology grant program and in providing technical assistance to schools in Iowa. The goals for the contractor shall include minimizing disruption in the use of skills Iowa in schools. Any departmental administrative expenses associated with this appropriation shall not exceed $50,000.} \]

\[ \text{5. DEPARTMENT OF HUMAN RIGHTS} \]
\[ \text{For the cost of equipment and computer software for the implementation of Iowa's criminal justice information system:} \]
\[ \text{The commission may continue to enter into contracts pursuant to section 8D.13 for the replacement of equipment and for operations and maintenance costs of the network. In addition to funds appropriated under this lettered paragraph, the commission may use a financing agreement entered into by the treasurer of state in accordance with section 12.28 for the replacement of equipment for the network. For purposes of this lettered paragraph, the treasurer of state is not subject to the maximum principal limitation contained in section 12.28, subsection 6. Repayment of any} \]
amounts financed shall be made from receipts associated with fees charged for use of the network.

b. For addition of network redundancy for continuity of operations for the capitol complex:

$1,800,000

7. DEPARTMENT OF PUBLIC SAFETY

For continuation of payments on the lease of the automated fingerprint identification system:

$560,000

Sec. 16. REVERSION. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2008, and ending June 30, 2009, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year beginning July 1, 2011, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 17. There is appropriated from the technology reinvestment fund created in section 8.57C to the department of cultural affairs for the fiscal year beginning July 1, 2009, and ending July 1, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For providing a grant to the Grout museum district at the Sullivan brothers veterans museum for costs associated with the oral history exhibit:

$486,250

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION V

FY 2009 TAX-EXEMPT BOND PROCEEDS

RESTRICTED CAPITAL FUNDS ACCOUNT

Sec. 18. There is appropriated from the FY 2009 tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund pursuant to section 12E.12, subsection 1, paragraph "b", subparagraph (1A), as enacted in this Act, to the following departments and agencies for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary,
to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES
   a. For the planning, design, and construction of a new state office building, including costs associated with the furnishing of the building:

   $20,000,000

   The location, design, plans and specifications, and occupants of the building shall be determined jointly by the executive council and the department of administrative services in consultation with the capitol planning commission following an analysis of space needs to be completed no later than January 1, 2009. Recommendations for design, plans and specifications, and occupants shall be presented to the general assembly and the governor for approval by the start of the 2009 legislative session.

   b. For renovations to the capitol complex utility tunnel system:

   $4,763,078

   c. For costs associated with capitol interior and exterior restoration:

   $6,900,000

   d. For upgrades to the electrical distribution system serving the capitol complex:

   $4,470,000

   e. For heating, ventilating, and air conditioning improvements in the Hoover state office building:

   $1,500,000

   f. For costs associated with the central energy plant addition and improvements:

   $623,000

   g. For building security and firewall protection in the Hoover state office building:

   $165,000

   h. For projects related to major repairs and major maintenance for state buildings and facilities under the purview of the department:

   $15,000,000

   Of the amount appropriated in this lettered paragraph, up to $1,000,000 may be used for demolition purposes.

   i. For the purchase of Mercy capitol hospital:

   $3,400,000

   It is the intent of the general assembly that the department will use other appropriations made or other funds available to the department for the acquisition of buildings to complete the purchase of this building.
j. For capital improvements at the civil commitment unit for a sexual offenders facility at Cherokee:
............................................................................................................... $829,000

k. For costs associated with the restoration and renovation, including major repairs and major maintenance, at the governor's mansion at Terrace Hill:
............................................................................................................... $769,543

2. DEPARTMENT FOR THE BLIND

For costs associated with the renovation of dormitory buildings:
............................................................................................................... $869,748

3. DEPARTMENT OF CORRECTIONS

a. For expansion of the community-based corrections facility at Sioux City:
............................................................................................................... $5,300,000

b. For expansion of the community-based corrections facility at Ottumwa:
............................................................................................................... $4,100,000

c. For expansion of the community-based corrections facility at Waterloo:
............................................................................................................... $6,000,000

d. For expansion of the Iowa correctional facility for women at Mitchellville:
............................................................................................................... $47,500,000

e. For the remodeling of kitchens at the correctional facilities at Mount Pleasant and Rockwell City:
............................................................................................................... $12,500,000

4. DEPARTMENT OF EDUCATION

For major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the community colleges:
............................................................................................................... $2,000,000

The moneys appropriated in this subsection shall be allocated to the community colleges based upon the distribution formula established in section 260C.18C.

5. DEPARTMENT OF NATURAL RESOURCES

a. For infrastructure improvements for a state river recreation area located in a county with a
population between 21,900 and 22,100: ............................................................... $750,000
b. For the construction and installation of an angled well, pumps, and piping to connect the existing infrastructure from the new well to a lake located in a county with a population between 87,500 and 88,000: ............................................................... $500,000
Moneys appropriated in this lettered paragraph are contingent upon receipt of matching funds from a state taxing authority surrounding such lake.
c. For the construction of the cabins, activity building, picnic shelters, and other costs associated with the opening of the Honey creek premier destination park: ............................................................... $4,900,000
The department shall not obligate any funding under this appropriation without approval from the department of management. The department shall provide quarterly updates to the Honey creek premier destination park authority and the legislative services agency on the obligation and spending of this appropriation.
In light of this appropriation, the department shall not request additional appropriations for funding the construction of future additional amenities at the Honey creek destination park beyond the fiscal year ending June 30, 2009. In the event that the chairperson of the authority delivers a certificate to the governor, pursuant to section 463C.13, stating the amounts necessary to restore bond reserve funds, it is the general assembly’s intent upon consideration of the governor’s request to first seek refunding from the department’s budget.
d. For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department’s annual lake restoration plan and report, notwithstanding section 8.57, subsection 6, paragraph “c”:
(1) It is the intent of the general assembly that the department of natural resources shall implement the lake restoration annual report and plan submitted to the joint appropriations subcommittee on transportation, infrastructure, and capitals and the legislative services agency on December 26, 2006, pursuant to section 456A.33B. The lake restoration projects that are recommended by the department to
receive funding for fiscal year 2007-2008 and that
satisfy the criteria in section 456A.33B, including
local commitment of funding for the projects, shall be
funded in the amounts provided in the report.
Of the amounts appropriated in this lettered
paragraph, at least the following amounts shall be
allocated as follows:
(a) For clear lake in Cerro Gordo county:
......................................................................................................... $3,000,000
(b) For storm lake in Buena Vista county:
......................................................................................................... $1,000,000
(c) For carter lake in Pottawattamie county:
......................................................................................................... $200,000
Of the moneys appropriated in this lettered
paragraph, $200,000 shall be used for the purposes of
supporting a low head dam public hazard improvement
program. The moneys shall be used to provide grants
to local communities, including counties and cities,
for projects approved by the department.
(a) The department shall award grants to dam
owners including counties, cities, state agencies,
cooperatives, and individuals, to support projects
approved by the department.
(b) The department shall require each dam owner
applying for a project grant to submit a project plan
for the expenditure of the moneys, and file a report
with the department regarding the project, as required
by the department.
(c) The funds can be used for signs, posts, and
related cabling, and the department shall only award
money on a matching basis, pursuant to the dam owner
contributing at least 20 cents for every 80 cents
awarded by the department, in order to finance the
project. For the remainder of the funds, including
any balance of money not awarded for signs, posts, and
related cabling, the department shall only award
moneys to a dam owner on a matching basis. A dam
owner shall contribute one dollar for each dollar
awarded by the department in order to finance a
project.
6. STATE BOARD OF REGENTS
For infrastructure, deferred maintenance, and
equipment related to Iowa public radio:
......................................................................................................... $2,000,000
7. IOWA STATE FAIR
For infrastructure improvements to the Iowa state
fairgrounds including but not limited to the
construction of an agricultural exhibition center on
the Iowa state fairgrounds:

8. DEPARTMENT OF TRANSPORTATION
   a. For deposit into the public transit infrastructure grant fund created in section 324A.6A:
   ................................................................................................................................. $2,200,000
   b. For infrastructure improvements at the commercial service airports within the state:
   ................................................................................................................................. $1,500,000
   Fifty percent of the funds appropriated in this lettered paragraph shall be allocated equally between each commercial air service airport, forty percent of the funds shall be allocated based on the percentage that the number of enplaned passengers at each commercial air service airport bears to the total number of enplaned passengers in the state during the previous fiscal year, and ten percent of the funds shall be allocated based on the percentage that the air cargo tonnage at each commercial air service airport bears to the total air cargo tonnage in the state during the previous fiscal year. In order for a commercial air service airport to receive funding under this lettered paragraph, the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission.

8. DEPARTMENT OF VETERANS AFFAIRS
   a. For matching funds for the construction of resident living areas at the Iowa veterans home and related improvements associated with the Iowa veterans home comprehensive plan:
   ................................................................................................................................. $20,555,329
   b. To build a memorial plaza that honors veterans from the Dubuque area:
   ................................................................................................................................. $100,000
until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION VI

ENVIRONMENT FIRST FUND – RESOURCES ENHANCEMENT AND PROTECTION

Sec. 21.  IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND. There is appropriated from the environment first fund created in section 8.57A to the Iowa resources enhancement and protection fund for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, to be allocated as provided in section 455A.19:

$2,000,000

DIVISION VII

PRISON BONDING

Sec. 22.  There is appropriated from the FY 2009 prison bonding fund created pursuant to section 12.79, as enacted in this Act, to the department of corrections for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the building of a new Iowa State Penitentiary at Fort Madison:

$130,677,500

The appropriation made in this section constitutes approval by the general assembly for the issuance of bonds by the treasurer pursuant to section 12.80, as enacted in this Act.

Sec. 23.  REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act for the fiscal year beginning July 1, 2008, and ending June 30, 2009, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION VIII

CHANGES TO PRIOR APPROPRIATIONS

Sec. 24.  2001 Iowa Acts, chapter 185, section 30, as amended by 2005 Iowa Acts, chapter 178, section 22, 2006 Iowa Acts, chapter 1179, section 27, and 2007 Iowa Acts, chapter 219, section 17, is amended to read as follows:

1. Except as provided in subsections 2 and 3 and notwithstanding section 8.33, moneys appropriated in
this division of this Act shall not revert at the
close of the fiscal year for which they were
appropriated but shall remain available for the
purposes designated until the close of the fiscal year
that begins July 1, 2004, or until the project for
which the appropriation was made is completed,
whichever is earlier.

2. Notwithstanding section 8.33, moneys
appropriated in section 25, subsection 3, paragraph
"b", of this division of this Act shall not revert at
the close of the fiscal year for which they were
appropriated but shall remain available for the
purpose designated until the close of the fiscal year
that begins July 1, 2006, or until the project for
which the appropriation was made is completed,
whichever is earlier.

3. Notwithstanding section 8.33, moneys
appropriated in section 28 of this division of this
Act shall not revert at the close of the fiscal year
for which they were appropriated but shall remain
available for the purpose designated until the close
of the fiscal year that begins July 1, 2007, or
until the project for which the appropriation was made
is completed, whichever is earlier.

Sec. 25. 2004 Iowa Acts, chapter 1175, section
290, is amended to read as follows:
SEC. 290. REVERSION.

1. Notwithstanding Except as provided in
subsection 2 and 3, and notwithstanding
section 8.33,
moneys appropriated from the rebuild Iowa
infrastructure fund in this division of this Act shall
not revert at the close of the fiscal year for which
they were appropriated but shall remain available for
the purposes designated until the close of the fiscal
year that begins July 1, 2007, or until the project
for which the appropriation was made is completed,
whichever is earlier. This section does
not apply to the sections in this division of this Act
that were previously enacted and are amended in this
division of this Act.

2. Notwithstanding section 8.33, moneys
appropriated from the rebuild Iowa infrastructure fund
in this division of this Act in section 288,
subsection 4, paragraph "b", and section 288,
subsection 7, paragraph "d", shall not revert at the
close of the fiscal year for which they were
appropriated but shall remain available for the
purposes designated until the close of the fiscal year
that begins July 1, 2010, or until the project for
which the appropriation was made is completed,
whichever is earlier.

3. Notwithstanding section 8.33, moneys
appropriated from the rebuild Iowa infrastructure fund
in this division of this Act in section 288,
subsection 12, paragraph “a”, shall not revert at the
close of the fiscal year for which they were
appropriated but shall remain available for the
purposes designated until the close of the fiscal year
that begins July 1, 2008, or until the project for
which the appropriation was made is completed,
whichever is earlier.

Sec. 26. 2005 Iowa Acts, chapter 178, section 19,
subsection 3, as amended by 2007 Iowa Acts, chapter
219, section 20, is amended to read as follows:

3. **REVERSION.**

a. Except as provided in subsection 2
paragraphs “b” and “c” and notwithstanding section
8.33, moneys appropriated in this section shall not
revert at the close of the fiscal year for which they
were appropriated but shall remain available for the
purposes designated until the close of the fiscal year
that begins July 1, 2006, or until the project for
which the appropriation was made is completed,
whichever is earlier.

b. Notwithstanding section 8.33, moneys
appropriated in subsection 1, paragraph “a”,
paragraph 1, and subsection 1, paragraph “g”,
shall not revert at the close of the fiscal year for
which they were appropriated but shall remain
available for the purpose designated until the close
of the fiscal year that begins July 1, 2007, or until
the project for which the appropriation was made is
completed, whichever is earlier.

c. Notwithstanding section 8.33, moneys
appropriated in subsection 1, paragraph “a”,
subsection 1, paragraph (1), shall not revert at the close of the
fiscal year for which they were appropriated but shall
remain available for the purpose designated until the
close of the fiscal year that begins July 1, 2008, or
until the project for which the appropriation was made
is completed, whichever is earlier.

Sec. 27. 2005 IowaActs, chapter 178, section 30,
is amended to read as follows:

SEC. 30. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the vertical
infrastructure fund to the department of
For major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the department:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2006-2007</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>FY 2007-2008</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>FY 2008-2009</td>
<td>$40,000,000</td>
</tr>
</tbody>
</table>

Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they were appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2010, or until the project for which the appropriation was made is completed, whichever is earlier.

For major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the community colleges:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2007-2008</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>FY 2008-2009</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>

There is appropriated from the rebuild Iowa infrastructure fund to the department of administrative services for the designated fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2007-2008</td>
<td>$3,600,00</td>
</tr>
</tbody>
</table>
The location, design, plans and specifications, and occupants of the building shall be determined jointly by the executive council and the department of administrative services in consultation with the capitol planning commission following an analysis of space needs to be completed no later than January 1, 2009. Recommendations for the design, plans and specifications, and occupants shall be presented to the general assembly and the governor for approval by the start of the 2009 legislative session.

Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they were appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2011, or until the project for which the appropriation was made is completed, whichever is earlier.

The design specifications of the new state office building shall include, at a minimum, energy efficiency specifications that exceed state building code requirements and have the potential for leadership in energy and environmental design silver certification from the United States green building council.

Sec. 30. 2006 Iowa Acts, chapter 1179, section 18, is amended to read as follows:

SEC. 18. REVERSION.
1. Except as provided in subsections 2, and 3, and
4, notwithstanding section 8.33, moneys appropriated from the endowment for Iowa's health restricted capitals fund for the fiscal years that begin July 1, 2005, and July 1, 2006, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2009, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated from the endowment for Iowa's health restricted capitals fund for the fiscal year that begins July 1, 2006, and ends June 30, 2007, in this division of this Act to the department of veterans affairs for capital improvement projects at the Iowa veterans home that remain unencumbered or unobligated
at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2010.

3. Notwithstanding section 8.33, moneys appropriated from the endowment for Iowa’s health restricted capitals fund for the fiscal year beginning July 1, 2006, and ending June 30, 2007, in this division of this Act to the department of education for major renovation and major repair needs at the community colleges that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2010, or until the project for which appropriated is completed, whichever is earlier.

4. Notwithstanding section 8.33, moneys appropriated in section 16, subsection 3, paragraph “a”, that remain unencumbered or unobligated at the close of the fiscal year shall not revert at the close of the fiscal year for which they were appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2010, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 31. 2006 Iowa Acts, chapter 1179, section 22, is amended to read as follows:

SEC. 22. REVERSION.

1. Notwithstanding subsections 2 and 3, and notwithstanding section 8.33, moneys appropriated in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year beginning July 1, 2007, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated from the technology reinvestment fund in this division of this Act in section 21, subsection 1, shall not revert at the close of the fiscal year for which they were appropriated but shall remain available until the close of the fiscal year that begins July 1, 2008, or until the project for which the appropriation was made is completed, whichever is earlier.
this division of this Act in section 21, subsection 3, paragraph “e”, shall not revert at the close of the fiscal year for which they were appropriated but shall remain available until the close of the fiscal year that begins July 1, 2010, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 32. 2006 Iowa Acts, chapter 1179, sections 68 and 69, are amended to read as follows:

SEC. 68. WASTEWATER TREATMENT FINANCIAL ASSISTANCE FUND – IOWA FINANCE AUTHORITY. There is appropriated from any interest or earnings on moneys in the federal economic stimulus and jobs holding account to the Iowa finance authority for deposit in the wastewater treatment financial assistance fund created in section 16.134, the following amount:

$4,000,000

Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2008.

SEC. 69. RESOURCE CONSERVATION AND DEVELOPMENT PROJECTS – DEPARTMENT OF NATURAL RESOURCES. There is appropriated from any interest or earnings on moneys in the federal economic stimulus and jobs holding account to the department of natural resources for the development of projects relating to natural resource-based business opportunities, the following amount:

$300,000

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

Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2008.

Sec. 33. 2007 Iowa Acts, chapter 219, section 1, subsection 2, is amended to read as follows:

2. For distribution to other governmental entities:

$2,000,000

Moneys appropriated in this lettered paragraph shall be separately accounted for in a distribution
account and shall be distributed to other governmental
entities based upon a formula established by the
department to pay for services provided during the
fiscal year to such other governmental entities by the
department associated with the integrated information
for Iowa system, notwithstanding section 8.57,
subsection 6, paragraph "c": Additionally, the
department may use any unexpended or unencumbered
amount in the distribution account for the purchase of
an existing license for which the state has made
partial payment. Any remaining balance in the
distribution account as of June 30, 2008, shall not
revert but shall remain available to be used for
additional operating expenses related to the
integrated information for Iowa system during the
subsequent fiscal year.

Sec. 34. 2007 Iowa Acts, chapter 219, section 3,
is amended to read as follows:
SEC. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES.
There is appropriated from the rebuild Iowa
infrastructure fund for the fiscal year beginning July
1, 2008, and ending June 30, 2009, the following
amount, or so much thereof as is necessary, to be used
for the purpose designated:
For capital improvements at the civil commitment
unit for the sexual offenders facility at Cherokee:
......................................................................................................... $829,000
......................................................................................................... 0
Notwithstanding section 8.33, moneys appropriated
in this section shall not revert at the close of the
fiscal year for which they were appropriated but shall
remain available for the purposes designated until the
close of the fiscal year that begins July 1, 2011, or
until the project for which the appropriation was made
is completed, whichever is earlier.

Sec. 35. 2008 Iowa Acts, Senate File 2420, section
27, is amended to read as follows:
SEC. 27. PUBLIC TRANSIT FUNDING STUDY. The
department of transportation, in cooperation with the
office of energy independence and the department of
natural resources, shall review the current revenues
available for support of public transit and the
sufficiency of those revenues to meet future needs.
The review shall include but is not limited to
identifying transit improvements needed to meet state
energy independence goals and an assessment of how the
state's support of public transit is positioned to
meet the mobility needs of Iowa's growing senior
population. The department shall submit a report to
the governor and the general assembly on or before December 1, 2008.

Sec. 36. EFFECTIVE DATE. The sections of this division of this Act amending 2001 Iowa Acts, chapter 185, 2004 Iowa Acts, chapter 1175, 2005 Iowa Acts, chapters 178 and 179, 2006 Iowa Acts, chapter 1179, sections 5, 18, 22, 68, and 69 and 2007 Iowa Acts, chapter 219, sections 1 and 3, being deemed of immediate importance, take effect upon enactment.

DIVISION IX

MISCELLANEOUS CODE CHANGES

Sec. 37. Section 8.57, subsection 6, paragraph c, Code Supplement 2007, is amended to read as follows:

c. Moneys in the fund in a fiscal year shall be used as directed by the general assembly for public vertical infrastructure projects. For the purposes of this subsection, "vertical infrastructure" includes only land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, and recreational trails. "Vertical infrastructure" does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement. However, appropriations may be made for the fiscal years beginning July 1, 1997, and July 1, 1998, for the purpose of funding the completion of Part III of the Iowa communications network.

Sec. 38. Section 8.57A, subsection 4, Code Supplement 2007, is amended to read as follows:

4. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2007, and for each fiscal year thereafter, the sum of forty-two million dollars to the environment first fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 39. Section 8.57B, Code Supplement 2007, is amended to read as follows:

8.57B VERTICAL INFRASTRUCTURE FUND.

1. A vertical infrastructure fund is created under the authority of the department of management. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state.

However, the fund shall be considered a special
account for the purposes of section 8.53, relating to
generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2,
interest or earnings on moneys in the vertical
infrastructure fund shall be credited to the rebuild
Iowa infrastructure fund.

3. Moneys in the fund in a fiscal year shall be
used as appropriated by the general assembly for
public vertical infrastructure projects. For the
purposes of this section, "vertical infrastructure"
includes only land acquisition and construction, major
renovation, and major repair of buildings, all
appurtenant structures, utilities, and site
development. "Vertical infrastructure" does not
include routine, recurring maintenance, debt service,
or operational expenses or leasing of a building,
appurtenant structure, or utility without a
lease-purchase agreement.

4. There is appropriated from the rebuild Iowa
infrastructure fund to the vertical infrastructure
fund, the following:

a. For the fiscal year beginning July 1, 2005, and
ending June 30, 2006, the sum of fifteen million
dollars.

b. For the fiscal year beginning July 1, 2006, and
ending June 30, 2007, the sum of fifteen million
dollars.

c. For the fiscal year beginning July 1, 2007, and
ending June 30, 2008, the sum of fifty million
dollars.

d. For the fiscal year beginning July 1, 2008, and
ending June 30, 2009, the sum of fifty million
dollars.

5. Annually, on or before January 15 of each year,
a state agency that received an appropriation from the
vertical infrastructure fund shall report to the
legislative services agency and the department of
management the status of all projects completed or in
progress. The report shall include a description of
the project, the progress of work completed, the total
estimated cost of the project, a list of all revenue
sources being used to fund the project, the amount of
funds expended, the amount of funds obligated, and the
date the project was completed or an estimated
completion date of the project, where applicable.

6. On July 1, 2008, any unobligated and
unencumbered balance in the vertical infrastructure
fund shall be transferred to the rebuild Iowa infrastructure fund. This subsection is repealed July 1, 2010.

Sec. 40. Section 8.57C, subsection 3, Code Supplement 2007, is amended to read as follows:
3. a. There is appropriated from the general fund of the state for the fiscal years beginning July 1, 2006, July 1, 2007, July 1, 2010, and for each subsequent fiscal year thereafter, the sum of seventeen million five hundred thousand dollars to the technology reinvestment fund.
b. There is appropriated from the rebuild Iowa infrastructure fund for each fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, 2010, the sum of seventeen million five hundred thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 41. NEW SECTION. 12.79 FY 2009 PRISON BONDING FUND.
1. An FY 2009 prison bonding fund is created as a separate fund in the state treasury. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the FY 2009 prison bonding fund.
2. Revenue for the fund shall consist of the net proceeds from the bonds issued pursuant to section 12.80.
3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for prison improvement and prison construction projects.
4. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.
5. Annually, on or before January 15 of each year, the department of corrections shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 42. NEW SECTION. 12.80 GENERAL AND SPECIFIC BONDING POWERS – PRISON INFRASTRUCTURE.
1. The treasurer of state is authorized to issue bonds to provide prison infrastructure financing as provided in this section. Bonds shall be issued in accordance with the provisions of chapter 12A.

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2. Bonds issued under this section are payable solely and only out of the moneys, assets, or revenues of the prison infrastructure fund established in section 602.8108A, and other moneys available as provided in this section, all of which may be deposited with trustees or depositaries in accordance with bond or security documents, and are not an indebtedness of this state, or a charge against the general credit or general fund of the state, and the state shall not be liable for the bonds except from amounts on deposit in the prison infrastructure fund and other moneys available as provided in this section. Bonds issued under this section shall contain a statement that the bonds do not constitute an indebtedness of the state.

3. Bonds issued under this section are declared to be issued for an essential public and governmental purpose and all bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance tax.

4. The net proceeds from the bonds issued under this section shall be deposited into the FY 2009 prison bonding fund.

5. The treasurer of state shall cooperate with the department of corrections in the implementation of this section.

6. In order to assure maintenance of bond reserve funds, an issuer shall, on or before January 1 of each calendar year, make and deliver to the governor the issuer's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor shall submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the issuer pursuant to this subsection shall be deposited by the issuer in the applicable bond reserve fund.

Sec. 43. NEW SECTION. 12.101 FAIRGROUNDS INFRASTRUCTURE AID FUND.

1. A fairgrounds infrastructure aid fund is
created in the state treasury under the control of the
treasurer of state. The fund is separate from the
general fund of the state. The fund is composed of
moneys appropriated by the general assembly and moneys
available to and obtained or accepted by the treasurer

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of state from the United States government or private
sources for placement in the fund.
2. Moneys in the fairgrounds infrastructure aid
fund are appropriated to the treasurer of state
exclusively to support the payment of infrastructure
aid as provided in section 12.102. Moneys in the fund
shall not be allocated to the treasurer of state to
reimburse the treasurer of state for administrative
costs.
3. Notwithstanding section 12C.7, interest or
earnings on moneys in the fairgrounds infrastructure
aid fund shall be credited to the fund.
Notwithstanding section 8.33, unencumbered and
unobligated moneys remaining in the fund at the close
of each fiscal year shall not revert but shall remain
available in the fund.

Sec. 44. NEW SECTION. 12.102 PAYMENT OF
INFRASTRUCTURE AID.
1. The treasurer of state shall award
infrastructure aid to a fair necessary for the fair to
make improvements to the permanent infrastructure of
its fairgrounds, including the construction, major
renovation, or major repair of buildings, appurtenant
structures, or utilities.
2. The treasurer of state, in cooperation with the
association of Iowa fairs, shall provide criteria for
eligibility for infrastructure aid by rule. The
treasurer of state must receive an application for an
award on or after July 1 and before December 1 of each
year. An award of infrastructure aid to an eligible
fair shall be in the form of a grant. The treasurer
of state shall meet with representatives of the
association of Iowa fairs. The representatives shall
be available to advise the treasurer of state when the
treasurer of state makes decisions regarding the
awarding of infrastructure aid.
3. In order to receive infrastructure aid, the
management of an eligible fair must execute a
cost-share agreement with the treasurer of state, with
the treasurer of state contributing two dollars for
each dollar contributed by the fair.
4. The infrastructure aid awarded to a fair cannot
be less than five thousand dollars or more than fifty
thousand dollars during any fiscal year. The
treasurer of state may approve multiple awards to make
improvements to a fair’s fairgrounds so long as the
total amount awarded does not exceed the limitations
provided in this subsection.

Sec. 45. Section 12E.10, subsection 1, paragraph
a, subparagraphs (2) and (3), Code 2007, are amended
to read as follows:

(2) The authority shall issue tax-exempt bonds in
an amount that is as necessary in amounts determined
by the authority sufficient to provide net proceeds in
an amount of not more than five hundred forty million
dollars for deposit in the tax-exempt bond proceeds
restricted capital funds account of the tobacco
settlement trust fund, to be used for capital
projects, certain debt service on outstanding
obligations which funded capital projects, and
attorney fees related to the master settlement
agreement.

(3) The authority may also issue taxable bonds or
tax-exempt bonds to provide additional amounts to be
used for the purposes specified in section 12.65.

Sec. 46. Section 12E.10, subsection 1, paragraph
b, Code 2007, is amended to read as follows:

b. It is the expectation of the state that not
less than eighty-five percent of the proceeds
deposited in the tax-exempt bond proceeds restricted
capital funds account of the tobacco settlement trust
fund of any issue of tax-exempt bonds will be expended
within five years from the effective date of the sale,
consistent with the requirements of federal law, and
that the specific capital projects, debt service, and
attorney fees payments shall be determined annually
through appropriations authorized by a constitutional
majority of each house of the general assembly and
approved by the governor.

Sec. 47. Section 12E.10, subsection 1, Code 2007,
is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The authority may issue
tax-exempt bonds if the securitization of any
remaining tobacco settlement payments will result in
the deposit of net proceeds of not less than one
hundred eighty-three million dollars for tax-exempt
bonds issued after July 1, 2008.

Sec. 48. Section 12E.12, subsection 1, paragraph
b, Code 2007, is amended by adding the following new
subparagraph:

NEW SUBPARAGRAPH. (1A) The FY 2009 tax-exempt
bond proceeds restricted capital funds account. The
net proceeds of tax-exempt bonds issued after July 1,
2008, as a result of the securitization of any remaining tobacco settlement payments to provide funds for capital projects which the treasurer of state is authorized and directed to deposit on behalf of the state shall be deposited in the account and shall be used to fund capital projects. With respect to capital projects, it is the intent of the general assembly to fund capital projects that qualify as vertical infrastructure projects as defined in section 8.57, subsection 6, paragraph “c”, to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures considered and approved by a constitutional majority of each house of the general assembly and the governor.

Sec. 49. Section 12E.12, subsection 9, Code 2007, is amended to read as follows:

9. Annually, on or before January 15 of each year, a state agency that received an appropriation from the tobacco settlement trust fund for the preceding fiscal year shall report to the joint transportation, infrastructure, and capital appropriations subcommittee, the legislative services agency, and the department of management, and the legislative capital projects committee of the legislative council the status of all ongoing projects for which an appropriation from the fund has been made completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 50. Section 15F.204, subsection 8, paragraph a, subparagraphs (5) and (6), Code 2007, are amended to read as follows:

(5) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of five twelve million dollars.

(6) For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of five twelve million dollars.

Sec. 51. Section 15F.204, subsection 8, paragraph b, subparagraphs (4) and (5), Code 2007, are amended by striking the subparagraphs.

Sec. 52. Section 15G.110, Code 2007, is amended to read as follows:

15G.110 APPROPRIATION.
1. For the fiscal period beginning July 1, 2005, and ending June 30, 2008, and for the fiscal period beginning July 1, 2010, and ending June 30, 2015, there is appropriated to the department of economic development each fiscal year fifty million dollars from the general fund of the state for deposit in the grow Iowa values fund.

2. For the fiscal period beginning July 1, 2008, and ending June 30, 2010, there is appropriated to the department of economic development each fiscal year fifty million dollars from the rebuild Iowa infrastructure fund for deposit in the grow Iowa values fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 53. Section 15G.111, subsection 1, paragraph c, Code Supplement 2007, is amended to read as follows:

c. The department shall require an applicant for moneys appropriated under this subsection to include in the application a statement regarding the intended return on investment. A recipient of moneys appropriated under this subsection shall annually submit a statement to the department regarding the progress achieved on the intended return on investment stated in the application. A recipient of moneys appropriated under this subsection shall also annually submit a statement to the department regarding the type and amount of funds spent on any major maintenance, repair, or renovation of any new or existing building. The department, in cooperation with the department of revenue, shall develop a method of identifying and tracking each new job created and the leveraging of moneys through financial assistance from moneys appropriated under this subsection. The department of economic development shall identify research and development activities funded through financial assistance from not more than ten percent of the moneys appropriated under this subsection, and, instead of determining return on investment and job creation for the identified funding, determine the potential impact on the state’s economy. The department’s annual project status report satisfies the reporting requirement contained in this section.

Sec. 54. NEW SECTION. 16.181A HOUSING TRUST FUND – APPROPRIATIONS.

There is appropriated from the rebuild Iowa infrastructure fund to the Iowa finance authority for deposit in the housing trust fund created in section 16.181, for the fiscal year beginning July 1, 2009,
and ending June 30, 2010, and for each succeeding
fiscal year, the sum of three million dollars.
Sec. 55. Section 303.3D, subsections 2 and 4, Code
2007, are amended to read as follows:
2. Moneys appropriated for a fiscal year to the
fund shall be used by the general assembly to fund
capital infrastructure projects for identified Iowa
great places through the Iowa great places program
established in section 303.3C. Moneys appropriated
for a fiscal year shall be available for a project
identified in an Iowa great places agreement for a
period of three years from the time the project is
identified.
4. Notwithstanding section 8.33, moneys credited
to the great places program fund shall not revert to
the fund from which appropriated but shall remain
available for expenditure for the purposes designated
for subsequent fiscal years.
Sec. 56. Section 428A.8, Code 2007, is amended to
read as follows:
428A.8 REMITTANCE TO STATE TREASURER – PORTION
RETAINED IN COUNTY.
1. On or before the tenth day of each month the
county recorder shall determine and pay to the
treasurer of state eighty-two and three-fourths
percent of the receipts from the real estate transfer
tax collected during the preceding month and the
treasurer of state shall deposit ninety
five percent of the receipts in the general fund of the state and
transfer five percent of the receipts to the shelter
assistance fund created in section 15.349 as provided
in subsection 2.
The county recorder shall deposit the remaining
seventeen and one-fourth percent of the receipts in
the county general fund.
27 Any tax or additional tax found to be due shall be
28 collected by the county recorder. If the county
recorder is unable to collect the tax, the director of
revenue shall collect the tax in the same manner as
taxes are collected in chapter 422, division III. If
collected by the director of revenue, the director
shall pay the county its proportionate share of the
tax. Section 422.25, subsections 1, 2, 3, and 4, and
sections 422.26, 422.28 through 422.30, and 422.73,
consistent with this chapter, apply with respect to
the collection of any tax or additional tax found to
be due, in the same manner and with the same effect as
if the deed, instrument, or writing were an income tax
return within the meaning of those statutes.
The county recorder shall keep records and make reports with respect to the real estate transfer tax as the director of revenue prescribes.

2. The treasurer of state shall deposit or transfer the receipts paid the treasurer of state pursuant to subsection 1 to either the general fund of the state, the housing trust fund created in section 16.181, or the shelter assistance fund created in section 15.349 as follows:

a. For the fiscal year beginning July 1, 2009,
ninety percent of the receipts shall be deposited in the general fund, five percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

b. For the fiscal year beginning July 1, 2010, eighty-five percent of the receipts shall be deposited in the general fund, ten percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

c. For the fiscal year beginning July 1, 2011, eighty percent of the receipts shall be deposited in the general fund, fifteen percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

d. For the fiscal year beginning July 1, 2012, seventy-five percent of the receipts shall be deposited in the general fund, twenty percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

e. For the fiscal year beginning July 1, 2013, seventy percent of the receipts shall be deposited in the general fund, twenty-five percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

f. For the fiscal year beginning July 1, 2014, and each succeeding fiscal year, sixty-five percent of the receipts shall be deposited in the general fund, thirty percent of the receipts shall be transferred to the housing trust fund, and five percent of the receipts shall be transferred to the shelter assistance fund.

3. Notwithstanding subsection 2, the amount of money that shall be transferred pursuant to this section to the housing trust fund in any one fiscal
year shall not exceed three million dollars. Any
money that otherwise would be transferred pursuant to
this section to the housing trust fund in excess of
that amount shall be deposited in the general fund of
the state.

Sec. 57. Section 602.8108A, Code Supplement 2007,
is amended to read as follows:

602.8108A  PRISON INFRASTRUCTURE FUND.
1. The Iowa prison infrastructure fund is created
and established as a separate and distinct fund in the
state treasury. Notwithstanding any other provision
of this chapter to the contrary, the first eight
million dollars and, beginning July 1, 1997, the first
nine million five hundred thousand dollars, of moneys
remitted to the treasurer of state from fines, fees,
costs, and forfeited bail collected by the clerks of
the district court in criminal cases, including those
collected for both scheduled and nonscheduled
violations, collected in each fiscal year commencing
with the fiscal year beginning July 1, 1995, shall be
deposited in the fund. Beginning July 1, 2009, the
treasurer of state shall certify to the judicial
branch the annual amount of funds necessary to be
remitted for deposit into the fund for that fiscal
year and such moneys shall be remitted to the
treasurer of state from fines, fees, costs, and
forfeited bail collected by the clerks of the district
court in criminal cases, including those collected for
both scheduled and nonscheduled violations, for debt
payments expected to be paid from the fund. Interest
and other income earned by the fund shall be deposited
in the fund. However, beginning with the fiscal year
beginning July 1, 1998, all fines and fees
attributable to commercial vehicle violation citations
issued after July 1, 1998, shall be deposited as
provided in section 602.8108, subsection 8. If the
treasurer of state determines pursuant to 1994 Iowa
Acts, ch. 1196, that bonds can be issued pursuant to
this section and section 16.177, then the The moneys
in the fund are appropriated to and shall have
priority and precedence for the purpose of paying the
principal of, premium, if any, and interest on bonds
issued by the Iowa finance authority under section
16.177. Any remaining moneys not otherwise
appropriated for purposes of paying the principal,
premium, and interest on the bonds issued by the Iowa
finance authority pursuant to section 16.177 shall be
available and appropriated to the treasurer of state
pursuant to section 12.80. Except as otherwise
provided in subsection 2, amounts in the funds shall not be subject to appropriation for any purpose by the general assembly, but shall be used only for the purposes set forth in this section. The treasurer of state shall act as custodian of the fund and disburse amounts contained in it as directed by the department of corrections including the automatic disbursement of funds pursuant to the terms of bond indentures and documents and security provisions to trustees and custodians. The treasurer of state is authorized to invest the funds deposited in the fund subject to any limitations contained in any applicable bond proceedings. Any amounts remaining in the fund at the end of each fiscal year shall be transferred to the general fund of the state.

2. If the treasurer of state determines that bonds cannot be issued pursuant to this section and section sections 12.80 and 16.177, or if there are any remaining moneys at the end of a fiscal year after the appropriations are paid pursuant to sections 12.80 and 16.177 the treasurer of state shall deposit the moneys in the prison infrastructure fund into the general fund of the state.

DIVISION X
MISCELLANEOUS
Sec. 58. IOWA VETERANS HOME DESIGN SERVICES CONTRACT. The department of administrative services is authorized to contract for design services related to the planned expansion project to be completed at the Iowa veterans home as provided in section 8A.311, subsection 3. It is the intent of the general assembly that this authorization is necessary to secure the award of federal funding recently made and to eliminate the uncertainty of securing such funding in the future.

Sec. 59. The section of this division of this Act, relating to the Iowa veterans home design services contract, being deemed of immediate importance, takes effect upon enactment."

Amendment H–8717 was adopted.

SENATE FILE 2432 SUBSTITUTED FOR HOUSE FILE 2701

Cohoon of Des Moines asked and received unanimous consent to substitute Senate File 2432 for House File 2701.
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, was taken up for consideration.

Raecker of Polk offered the following amendment H–8725 filed by Raecker, Huseman of Cherokee, Gipp of Winneshiek and Rants of Woodbury from the floor and moved its adoption:

H–8725

1 Amend Senate File 2432, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 10, by striking the word
4 "notwithstanding" and inserting the following: "if
5 the project meets the definition of "vertical
6 infrastructure" in".
7 2. Page 1, line 14, by striking the word
8 "notwithstanding" and inserting the following: "if
9 the project meets the definition of "vertical
10 infrastructure" in".
11 3. Page 1, line 17, by striking the word
12 "notwithstanding" and inserting the following: "if
13 the project meets the definition of "vertical
14 infrastructure" in".
15 4. Page 1, line 23, by striking the word
16 "notwithstanding" and inserting the following: "if
17 the project meets the definition of "vertical
18 infrastructure" in".
19 5. Page 1, line 31, by striking the word
20 "notwithstanding" and inserting the following: "if
21 the project meets the definition of "vertical
22 infrastructure" in".
23 6. Page 2, line 8, by striking the word
24 "notwithstanding" and inserting the following: "if
25 the project meets the definition of "vertical
26 infrastructure" in".
27 7. Page 2, line 16, by striking the word
28 "notwithstanding" and inserting the following: "if
29 the project meets the definition of "vertical
30 infrastructure" in".
31 8. Page 2, line 27, by striking the word
32 "notwithstanding" and inserting the following: "if
the project meets the definition of "vertical infrastructure" in".

9. Page 3, line 5, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

10. Page 3, line 10, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

11. Page 3, line 14, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

12. Page 3, line 18, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

13. Page 4, line 18, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

14. Page 4, line 22, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

15. Page 5, line 5, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

16. Page 5, line 14, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

17. Page 5, line 27, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

18. Page 5, line 33, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

19. Page 6, line 11, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

20. Page 6, line 19, by striking the word "notwithstanding" and inserting the following: "if
the project meets the definition of "vertical infrastructure" in".

21. Page 8, line 32, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

22. Page 9, line 22, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

23. Page 9, line 28, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

24. Page 10, line 22, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

25. Page 10, line 33, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

26. Page 11, line 10, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

27. Page 12, line 11, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

28. Page 12, line 35, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

29. Page 13, line 8, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

30. Page 14, line 16, by striking the word "notwithstanding" and inserting the following: "if the project meets the definition of "vertical infrastructure" in".

31. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Paulsen of Linn.
On the question “Shall amendment H–8725 be adopted?” (S.F. 2432)

The ayes were, 43:

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

The nays were, 52:

Abdul-Samad Bell Berry Bukta
Chambers Cohoon Dandekar Davitt
Foege 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, 5:

Ford Hoffman Jacobs Roberts Van Engelenhoven

Amendment H–8725 lost.

Van Fossen of Scott offered the following amendment H–8724 filed by him from the floor and moved its adoption:

H–8724

1 Amend Senate File 2432, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 5, by striking the figure
4 "2,000,000" and inserting the following: "3,000,000".
Roll call was requested by Rants of Woodbury and Van Fossen of Scott.

On the question “Shall amendment H–8724 be adopted?” (S.F. 2432)

The ayes were, 46:

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

The nays were, 49:

Abdul-Samad  Bailey  Bell  Berry
Bukta  Cohoon  Dandekar  Davitt
Foege  Ford  Frevert  Gaskill
Heddens  Hunter  Huser  Jacoby
Jochum  Kelley  Kressig  Lensing
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  Wends  Wenthe  Wessel-Kroeschell
Whitaker  Whitead  Wise  Zirkelbach
Mr. Speaker  Murphy

Absent or not voting, 5:

De Boef  Hoffman  Jacobs  Roberts
Van Engelenhoven

Amendment H–8724 lost.

Wiencek of Black Hawk offered the following amendment H–8726 filed by her from the floor and moved its adoption:
Amend Senate File 2432, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4, by inserting after line 24 the following:
   e. For providing a grant to the Grout museum district at the Sullivan brothers veterans museum for costs associated with the oral history exhibit including but not limited to exhibit information technology, computer connectivity, and interactive display technologies, notwithstanding section 8.57, subsection 6, paragraph "c":
   .......................................................................................................... $986,250

3. By striking page 22, line 21, through page 23, line 3.
4. By renumbering as necessary.

Roll call was requested by Wiencek of Black Hawk and Grassley of Butler.

On the question “Shall amendment H–8726 be adopted?” (S.F. 2432)

The ayes were, 42:

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

The nays were, 50:

Abdul-Samad  Bailey  Bell  Bukta
Cohoon  Dandekar  Davitt  Foeger
Ford  Frevert  Gaskill  Gayman
Heddens  Hunter  Huser  Jacoby
Jochum  Kuhn  Lensing  Lykam
Mascher  McCarthy  Mertz  Miller, H.
Oldson  Olson, D.  Olson, R.  Olson, T.
Amendment **H–8726** lost.

Drake of Pottawattamie asked and received unanimous consent to withdraw amendment **H–8719** filed by him from the floor, placing out of order amendment **H–8727** filed by Wise of Lee from the floor.

Lukan of Dubuque offered the following amendment **H–8722** filed by him and Rayhons of Hancock from the floor and moved its adoption:

**H–8722**

1 Amend **Senate File 2432**, as amended, passed, and reprinted by the Senate, as follows:
2 1. Page 10, by inserting after line 14 the following:
3 " . DEPARTMENT OF PUBLIC SAFETY
4 To provide grants to regional emergency response training centers established under section 100B.22 for infrastructure improvements:
5 .......................................................................................................................... $3,400,000"
6 2. By renumbering as necessary.

Roll call was requested by Lukan of Dubuque and Rayhons of Hancock.

Rule 75 was invoked.

On the question “Shall amendment **H–8722** be adopted?” (S.F. 2432)
The ayes were, 48:

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The nays were, 49:

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Absent or not voting, 3:

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Amendment **H–8722** lost.

Windschitl of Harrison offered the following amendment **H–8720** filed by Windschitl, Drake of Pottawattamie, Rayhons of Hancock, Kaufmann of Cedar, Dolecheck of Ringgold and Soderberg of Plymouth from the floor and moved its adoption:

**H–8720**

1. Amend [*Senate File 2432*](#), as amended, passed, and
2. reprinted by the Senate, as follows:
3. 1. Page 12, by striking lines 29 through 33.
4. 2. By striking page 44, line 4, through page 45, line 18.
Roll call was requested by Windschitl of Harrison and Alons of Sioux.

On the question “Shall amendment H–8720 be adopted?” (S.F. 2432)

The ayes were, 47:

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

The nays were, 49:

Abdul-Samad  Berry  Bukta  Cohoon  
Dandekar  Davitt  Foege  Ford  
Frerevert  Gayman  Heddens  Horbach  
Hunter  Jacoby  Jochum  Kelley  
Kressig  Lensing  Lykam  Mascher  
May  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  Wenthie  Wessel-Kroeschell  Whitaker  
Whitead  Winckler  Wise  Zirkelbach  
Mr. Speaker  Murphy

Absent or not voting, 3:

Jacobs  Roberts  Van Engelenhoven

Amendment H–8720 lost.

RULE 76 INVOKED

Under the provision of Rule 76, conflict of interest, Huser of Polk refrained from voting on amendment H–8720.
Rants of Woodbury offered the following amendment **H–8718** filed by Rants, Heaton of Henry, Huseman of Cherokee and Raecker of Polk from the floor and moved its adoption:

**H–8718**

1. Amend Senate File 2432, as amended, passed, and reprinted by the Senate, as follows:
2. 1. Page 15, line 22, by inserting before the word "For" the following: "1."
3. 2. Page 15, line 27, by striking the word "section" and inserting the following: "subsection".
4. 3. Page 15, line 35, by striking the word "section" and inserting the following: "subsection".
5. 4. Page 16, by inserting after line 6 the following:
6. "2. For costs associated with the building of a new Iowa State Penitentiary at Fort Madison:
7. FY 2010-2011................................................................................................................ $ 3,840,000
8. FY 2011-2012................................................................................................................ $44,520,000
9. FY 2012-2013................................................................................................................ $54,500,000
10. FY 2013-2014................................................................................................................ $26,880,000
11. FY 2014-2015................................................................................................................ $  937,500
12. Notwithstanding section 8.33, moneys appropriated in this subsection for fiscal years during the fiscal period beginning July 1, 2010, and ending June 30, 2015, shall not revert but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2017, or until the project for which the appropriation was made is completed, whichever is earlier."
13. 5. By striking page 29, line 34, through page 30, line 20.
14. 6. By striking page 42, line 5, through page 44, line 3.
15. 7. By striking page 51, line 21, through page 53, line 9.
16. 8. Title page, line 7, by striking the words and figure "and the FY 2009 prison bonding fund,".
17. 9. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question “Shall amendment **H–8718** be adopted?”  (S.F. 2432)
The ayes were, 43:

Alons      Anderson      Arnold      Baudler
Boal       Chambers      Clute       De Boef
Deyoe      Dolecheck     Drake       Forristall
Gipp       Granzow       Grassley    Greiner
Heaton     Horbach       Huseman    Kaufmann
Lukan      May           Miller, L.  Olson, S.
Paulsen    Pettengill    Raecker     Rants
Rasmussen  Raybons       Sands       Schickel
Soderberg  Struyk       Tjepkes     Tomenga
Tymeson    Upmeyer       Van Fossen  Watts
Wiencek    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  Mertz        Miller, H. Oldson
Olson, D. Olson, T. Palmer   Petersen
Quirk     Reasoner     Reichert  Schueller
Shomshor  Staed       Swaim     Taylor, D.
Taylor, T. Thomas     Wendt     Wenthe
Wessel-Kroeschell Whitaker Whitead Winckler
Wise      Zirkelbach   Mr. Speaker Murphy

Absent or not voting, 6:

Hoffman    Jacobs       Olson, R. Roberts
Smith      Van Engelenhoven

Amendment H–8718 lost.

Boal of Polk offered the following amendment H–8721 filed by her from the floor and moved its adoption:

H–8721

1 Amend Senate File 2432, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 21, by striking lines 2 through 20 and
4 inserting the following:
5  "e. For implementation of the provisions of
6 chapter 280A:
7 .................................................................................................................. $500,000"
8 2. By renumbering as necessary.

Amendment H–8721 lost.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment H–8723 filed by him from the floor.

Cohoon of Des Moines 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. 2432)

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, 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, 43:

Alons Anderson Arnold Baudler
Chambers Clute De Boef Deyoe
Dolecheck Drake Forristall Gipp
Granzow Grassley Greiner Heaton
Hoffman Horbach Huseman Kaufmann
Lukan May Miller, L. Olson, S.
Paulsen Pettengill Raecker Rants
Rasmussen Rayhons Sands Schickel
Soderberg Struyk Tjepkes Tomenga
Tymeson Umpeyer Van Fossen Watts
Wiencek Windschitl Worthan
Absent or not voting, 4:
Boal   Jacobs   Roberts   Van Engelenhoven

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 25, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

   Senate File 2424, a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace offices’ retirement, accident, and disability system, the Iowa public employees’ retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: House File 2539 and Senate File 2425.

MOTION TO RECONSIDER WITHDRAWN

(House File 2662)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider House File 2662, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, filed by him on April 21, 2008.

MOTION TO RECONSIDER WITHDRAWN

(Senate File 2394)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider Senate File 2394, a bill for an act relating to and making transportation and other infrastructure related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the
primary road fund, and including an effective date, filed by him on April 10, 2008.

On motion by McCarthy of Polk, the House was recessed at 8:07 p.m., until 9:30 p.m.

The House resumed session at 1:44 a.m., Speaker Murphy in the chair.

LEAVE OF ABSENCES

Leave of absences were granted as follows:

Forristall of Pottawattamie and May of Dickinson on request of Paulsen of Linn.

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 25, 2008, adopted the conference committee report and passed House File 2539, a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision.

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

House File 2645, a bill for an act concerning public employee collective bargaining and teacher discipline.

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

House File 2699, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and providing effective dates.

Also: That the Senate has on April 25, 2008, amended and passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Oldson of Polk called up for consideration 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, amended by the Senate amendment H–8728 as follows:

H–8728

1 Amend House File 2700, as amended, passed, and reprinted by the House, as follows:
2 1. Page 2, line 12, by striking the figure "1,439,884" and inserting the following: "1,400,261".
3 2. Page 9, by striking lines 21 and 22 and inserting the following: "director, and the Iowa".
4 3. Page 12, lines 12 and 13, by striking the words "secretary of the Iowa state fair board,".
5 4. Page 17, by inserting after line 28 the following:
6 "Section 1. Section 173.10, Code 2007, is amended to read as follows:
7 173.10 SALARY OF SECRETARY.
8 The secretary shall receive the salary fixed by the board. The compensation and employment terms of the secretary shall be set by the Iowa state fair board with the approval of the governor, taking into consideration the level of knowledge and experience of the secretary."
9 5. Page 17, by inserting after line 30 the following:
10 "Sec. 2. Section 8.7, Code 2007, is amended to read as follows:
11 8.7 REPORTING OF GIFTS AND BEQUESTS RECEIVED.
12 All gifts, and bequests, and grants received by a department or accepted by the governor on behalf of
the state shall be reported to the Iowa ethics and campaign disclosure board and the government oversight committees. The ethics and campaign disclosure board shall, by January 31 of each year, submit to the fiscal services division of the legislative services agency a written report listing all gifts, and bequests, and grants received during the previous calendar year with a value over one thousand dollars and the purpose for each such gift, or bequest, or grant. The submission shall also include a listing of all gifts, and bequests, and grants received by a department from a person if the cumulative value of all gifts, and bequests, and grants received by the department from the person during the previous calendar year exceeds one thousand dollars, and the ethics and campaign disclosure board shall include, if available, the purpose for each such gift, or bequest, or grant. However, the reports on gifts, grants, or bequests filed by the state board of regents pursuant to section 8.44 shall be deemed sufficient to comply with the requirements of this section.

Sec. 3. Section 8.9, Code 2007, is amended to read as follows:

8.9 GRANTS ENTERPRISE MANAGEMENT OFFICE.

Page 2

1. The office of grants enterprise management is established in the department of management. The function of the office is to develop and administer a system to track, identify, advocate for, and coordinate nonstate grants as defined in section 8.2, subsections 1 and 3. Staffing for the office of grants enterprise management shall be provided by a facilitator appointed by the director of the department of management. Additional staff may be hired, subject to the availability of funding. Funding for the office is from the appropriation to the department pursuant to section 8A.505, subsection 2.

2. a. All grant applications submitted and grant moneys received by a department on behalf of the state shall be reported to the office of grants enterprise management. The office shall by January 31 of each year submit to the fiscal services division of the legislative services agency a written report listing all grants received during the previous calendar year with a value over one thousand dollars and the funding entity and purpose for each grant. However, the reports on grants filed by the state board of regents pursuant to section 8.44 shall be deemed sufficient to comply with the requirements of this subsection.
b. The office of grants enterprise management shall submit by July 1 and January 1 of each year to the government oversight committees a written report summarizing departmental compliance with the requirements of this subsection.

Sec. 4. Section 12C.16, subsection 1, paragraph b, subparagraph (4), Code Supplement 2007, is amended to read as follows:

(4) To the extent of the guarantee, loans, obligations, or nontransferable letters of credit upon which the payment of principal and interest is fully secured or guaranteed by the United States of America or an agency or instrumentality of the United States of America or the United States central credit union, a corporate central credit union organized under section 533.213, or a corporate credit union organized under 12 C.F.R. § 704 whose activities are subject to regulation by the national credit union administration, and the rating of any one of such credit unions remains within the two highest classifications of prime established by at least one of the standard rating services approved by the superintendent of banking by rule pursuant to chapter 17A. The treasurer of state shall adopt rules pursuant to chapter 17A to implement this section.

Sec. 5. Section 12C.17, subsection 1, paragraph c, Code Supplement 2007, is amended to read as follows:

c. The securities shall be deposited with the federal reserve bank, the federal home loan bank of Des Moines, Iowa, or the United States central credit union, a corporate central credit union organized under section 533.213, or a corporate credit union organized under 12 C.F.R. § 704 whose activities are subject to regulation by the national credit union administration pursuant to a bailment agreement or a pledge custody agreement.

Sec. 6. Section 12C.17, subsection 4, Code Supplement 2007, is amended to read as follows:

4. Upon written request from the appropriate public officer but not less than monthly, the federal reserve bank, the federal home loan bank of Des Moines, Iowa, the United States central credit union, a corporate central credit union organized under section 533.213, or a corporate credit union organized under 12 C.F.R. § 704 whose activities are subject to regulation by the national credit union administration shall report a description, the par value, and the market value of any pledged collateral by a credit union."
6. Page 19, line 13, by inserting after the word “subsection” the following: “, or not otherwise confidential.”.

7. Page 22, by inserting before line 31 the following:

Sec. 7. Section 68B.32, subsection 1, Code 2007, is amended to read as follows:

1. An Iowa ethics and campaign disclosure board is established as an independent agency. The board shall administer this chapter and set standards for, investigate complaints relating to, and monitor the ethics of officials, employees, lobbyists, and candidates for office in the executive branch of state government. The board shall administer and set standards for, investigate complaints relating to, and monitor the campaign finance practices of candidates for public office. The board shall administer and establish standards for, investigate complaints relating to, and monitor the reporting of gifts, and bequests, and grants under section 8.7. The board shall consist of six members and shall be balanced as to political affiliation as provided in section 69.16. The members shall be appointed by the governor, subject to confirmation by the senate.

Sec. 8. Section 68B.32A, subsection 4, Code Supplement 2007, is amended to read as follows:

4. Receive and file registration and reports from lobbyists of the executive branch of state government, client disclosure from clients of lobbyists of the executive branch of state government, personal financial disclosure information from officials and employees in the executive branch of state government who are required to file personal financial disclosure information under this chapter, and gift, and bequest, and grant disclosure information pursuant to section 8.7. The board, upon its own motion, may initiate action and conduct a hearing relating to reporting requirements under this chapter or section 8.7.

Sec. 9. Section 84A.5, subsection 1, paragraph a, Code Supplement 2007, is amended to read as follows:

a. The workforce development system shall strive to provide high quality services to its customers including workers, families, and businesses. The department of workforce development shall maintain a common intake, assessment, and customer tracking system and to the extent practical provide one-stop services to customers at workforce development centers and other service access points. The department of workforce development shall administer a statewide
standard skills assessment to assess the employability
skills of adult workers statewide and shall instruct
appropriate department staff in the administration of
the assessment. The assessment shall be included in
the one-stop services provided to customers at
workforce development centers and other service access
points throughout the state.
Sec. 10. Section 85.1, subsection 6, Code
Supplement 2007, is amended to read as follows:
6. Employers may with respect to an employee or a
classification of employees exempt from coverage
provided by this chapter pursuant to subsection 1, 2,
or 3, other than the employee or classification of
employees with respect to whom a rule of liability or
a method of compensation is established by the
Congress of the United States, assume a liability for
compensation imposed upon employers by this chapter,
for the benefit of employees within the coverage of this chapter, by the purchase of valid workers'
compensation insurance that does not specifically exclude the employee or classification of employees.
In addition, an employer that assumed a liability for compensation imposed upon employers by this chapter
pursuant to a collective bargaining agreement with respect to an employee or a classification of
employees exempt from coverage provided by this chapter pursuant to subsection 4 as of July 1, 2007,
may continue to assume liability for that compensation pursuant to a subsequent collective bargaining
agreement, for the benefit of such employees, by the purchase of valid workers' compensation insurance that
does not specifically exclude that employee or classification of employees. The purchase of and
acceptance by an employer of valid workers' compensation insurance applicable to the employee or
classification of employees constitutes an assumption by the employer of liability without any further act
on the part of the employer, but only with respect to the employee or classification of employees as are
within the coverage of the workers' compensation insurance contract and only for the time period in
which the insurance contract is in force. Upon an election of such coverage, the employee or
classification of employees shall accept compensation in the manner provided by this chapter and the employer shall be relieved from any other liability for recovery of damage, or other compensation for injury.
Sec. 11. Section 96.3, subsection 5, Code 2007, is
amended to read as follows:

5. a. DURATION OF BENEFITS. The maximum total amount of benefits payable to an eligible individual during a benefit year shall not exceed the total of the wage credits accrued to the individual’s account during the individual’s base period, or twenty-six times the individual’s weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director shall compute wage credits for each individual by crediting the individual’s account with one-third of the wages for insured work paid to the individual during the individual’s base period. However, the director shall recompute wage credits for an individual who is laid off due to the individual’s employer going out of business at the factory, establishment, or other premises at which the individual was last employed, by crediting the individual’s account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual’s base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in the individual’s account which have not been previously charged, in the inverse chronological order as the wages on which the wage credits are based were paid. However if the state “off indicator” is in effect and if the individual is laid off due to the individual’s employer going out of business at the factory, establishment, or other premises at which the individual was last employed, the maximum benefits payable shall be extended to thirty-nine times the individual’s weekly benefit amount, but not to exceed the total of the wage credits accrued to the individual’s account.

b. TRAINING EXTENSION BENEFITS. An individual who is in training with the approval of the director at the time regular benefits are exhausted may be eligible for training extension benefits. The training extension benefit amount shall be twenty-six times the individual’s weekly benefit amount, and the weekly benefit amount shall be equal to the individual’s weekly benefit amount for the claim in which benefits were exhausted while in training. An individual who is receiving training extension benefits shall not be denied benefits due to application of section 96.4, subsection 3, or section 96.5, subsection 3. However, an employer’s account shall not be charged with benefits so paid. Relief of
charges under this paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5. In order for the individual to be eligible for training extension benefits the training must be for a high-demand or high-technology occupation, including fields of life sciences, advanced manufacturing, biotechnology, alternative fuels, insurance, and environmental technology. "High-demand occupation" means an occupation in a labor market area in which the department determines work opportunities are available and there is a lack of qualified applicants."

8. Page 26, by inserting after line 16 the following:

"Sec. 12. Section 135C.40, subsection 1, Code 2007, is amended to read as follows:

1. If the director determines, based on the findings of an inspection or investigation of a health care facility, that the facility is in violation of this chapter, or rules adopted under this chapter, or the federal certification guidelines, the director, within five ten working days after making the determination, completion of an on-site survey, may shall issue a written citation all statements of deficiencies, including any state citations issued to the facility under rules adopted by the department. The citation shall be served upon the facility personally or, by electronic mail, or by certified mail, except that a citation for a Class III violation may be sent by ordinary mail. Each citation shall specifically describe the nature of the violation, identifying the Code section or subsection or the rule or standard violated, and the classification of the violation under section 135C.36. Where appropriate, the citation shall also state the period of time allowed for correction of the violation, which shall in each case be the shortest period of time the department deems feasible. Failure to correct a violation within the time specified, unless the licensee shows that the failure was due to circumstances beyond the licensee’s control, shall subject the facility to a further penalty of fifty dollars for each day that the violation continues after the time specified for correction.
a. If a facility licensed under this chapter submits a plan of correction relating to a statement of deficiencies or a response to a citation issued under rules adopted by the department and the
department elects to conduct an on-site revisit survey, the department shall commence the revisit survey within ten business days of the date that the plan of correction is received, or the date specified within the plan of correction alleging compliance, whichever is later.

b. If the department recommends the issuance of federal remedies pursuant to 42 C.F.R. § 488.406 (a)(2) or (a)(3), relating to a survey conducted by the department, the department shall issue the statement of deficiencies within twenty-four hours of the date that the centers for Medicare and Medicaid services of the United States department of health and human services was notified of the recommendation for the imposition of remedies."

9. Page 29, by inserting after line 22 the following:

"Sec. 13. NEW SECTION. 231C.20 CITATIONS – MONITORING VISITS.

1. All results of state monitoring visits, including complaint investigations or certification inspections conducted by the department pursuant to this chapter or rules adopted by the department shall be submitted by the department personally, by electronic mail, or by certified mail to the program no later than ten business days following completion of an on-site monitoring visit, if findings of noncompliance are cited.

2. If a program certified under this chapter submits a plan of correction relating to the statement of noncompliance or a response to a civil penalty issued under rules adopted by the department, and the department elects to conduct an on-site monitoring revisit, the department shall commence the monitoring revisit within ten business days of the date that the plan of correction is received, or the date specified within the plan of correction alleging compliance, whichever is later."

10. Page 29, by inserting after line 26 the following:

"Sec. 14. Section 280.7A, as enacted by 2008 Iowa Acts, Senate File 2251, section 1, is amended by adding the following new subsections:

NEW SUBSECTION 4. A comprehensive vision screening by a certified vision screener provided by the school district shall be given within the first thirty days of the first day of the school year to students entering kindergarten, first grade, third grade, sixth grade, and eighth grade, and to transfer..."
students and students referred for screening by a parent or teacher. A student shall be required to receive a comprehensive vision screening only once within a thirty-six month period.

NEW SUBSECTION. 5. A student who is not able to pass the comprehensive vision screening, pursuant to subsection 4, shall be required to have a comprehensive eye examination performed by a licensed optometrist, ophthalmologist, or physician trained in providing comprehensive eye care. A student's parent or guardian shall be responsible for ensuring that a student receives a comprehensive eye examination pursuant to this subsection. No penalty shall be imposed as a result of a student not receiving a recommended comprehensive eye examination."

11. Page 29, by inserting after line 26 the following:

"Sec. 15. Section 321A.3, subsections 1, 5, and 6, Code Supplement 2007, are amended to read as follows:

1. The department shall upon request furnish any person a certified abstract of the operating record of a person subject to chapter 321, 321J, or this chapter. The abstract shall also fully designate the motor vehicles, if any, registered in the name of the person. If there is no record of a conviction of the person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by the person, the department shall so certify. A fee of five dollars and fifty cents shall be paid for each abstract except for state, county, or city officials, court officials, public transit officials, or other officials of a political subdivision of the state or a nonprofit charitable organization described in section 501(c)(3) of the Internal Revenue Code. The department shall transfer the moneys collected under this section to the treasurer of state who shall credit to the general fund all moneys collected.

5. The department may permit any person to view the operating record of a person subject to chapter 321 or this chapter through one of the department's computer terminals or through a computer printout generated by the department. The department shall not require a fee for a person to view their own operating record, but the department shall impose a fee of one dollar for each of the first five operating records viewed within a calendar day and two dollars for each additional operating record viewed within the calendar day."
6. Fees under subsection 1 and 5 may be paid by credit cards, as defined in section 537.1301, subsection 17, approved for that purpose by the department of transportation. The department shall enter into agreements with financial institutions extending credit through the use of credit cards to ensure payment of the fees. The department shall adopt rules pursuant to chapter 17A to implement the provisions of this subsection.

Sec. 16. Section 321A.3, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A person making a request for a record or an abstract under this section that is subject to a fee shall only use the record or abstract requested one time, for one purpose, and it shall not supply that record to more than one other person. Any subsequent use of the same record or abstract shall require that the person make a subsequent request for the record or abstract and pay an additional fee for the request in the same manner as provided for the initial request. A person requesting a record or an abstract pursuant to this section shall keep records identifying who the record or abstract is provided to, and the use of the record or abstract, for a period of five years. Records maintained pursuant to this subsection shall be made available to the department upon request. A person shall not sell, retain, distribute, provide, or transfer any record or abstract information or portion of the record or abstract information acquired under this agreement except as authorized by the department and the federal Driver’s Privacy Protection Act, 18 U.S.C. § 2721-2725.
local sales and services tax fund and from a
city-imposed tax under section 423B.1, subsection 2,
to the city’s account in the local sales and services
tax fund. If the director is unable to determine from
which county any of the receipts were collected, those
receipts shall be allocated among the possible
counties based on allocation rules adopted by the
director.

b. Notwithstanding paragraph "a", the director
shall credit the designated amount of the increase in
local sales and services tax receipts, as computed in
section 423B.10, collected in an urban renewal area of
an eligible city that has adopted an ordinance
pursuant to section 423B.10, subsection 2, into a
special city account in the local sales and services
tax fund.

Sec. 19. Section 423B.7, Code 2007, is amended by
adding the following new subsection:
NEW SUBSECTION. 5A. From each special city
account, the revenues shall be remitted to the city
council for deposit in the special fund created in
section 403.19, subsection 2, to be used by the city
as provided in section 423B.10. The distribution from
the special city account is not subject to the
distribution formula provided in subsections 3, 4, and
5.

Sec. 20. NEW SECTION. 423B.10 FUNDING URBAN
RENEWAL PROJECTS.
1. For purposes of this section, unless the
context otherwise requires:
a. "Base year" means the fiscal year during which
an ordinance is adopted that provides for funding of
an urban renewal project by a designated amount of the
increased sales and services tax revenues.
b. "Eligible city" means a city in which a local
sales and services tax imposed by the county applies
or a city described in section 423B.1, subsection 2,
paragraph "a", and in which an urban renewal area has
been designated.
c. "Retail establishment" means a business
operated by a retailer as defined in section 423.1.
d. "Urban renewal area" and "urban renewal
project" mean the same as defined in section 403.17.

2. An eligible city may by ordinance of the city
council provide for the use of a designated amount of
the increased local sales and services tax revenues
collected under this chapter which are attributable to
retail establishments in an urban renewal area to fund
urban renewal projects located in the area. The
designated amount may be all or a portion of such
increased revenues.
3. To determine the revenue increase for purposes
of subsection 2, revenue amounts shall be calculated
by the department of revenue as follows:
a. Determine the amount of local sales and
services tax revenue collected from retail
establishments located in the area comprising the
urban renewal area during the base year.
b. Determine the current year revenue amount for
each fiscal year following the base year in the manner
specified in paragraph "a".
c. The excess of the amount determined in
paragraph "b" over the base year revenue amount
determined in paragraph "a" is the increase in the
local sales and services tax revenues of which the
designated amount is to be deposited in the special
city account created in section 423B.7, subsection 5A.
4. The ordinance adopted pursuant to this section
is repealed when the area ceases to be an urban
renewal area or twenty years following the base year,
whichever is the earlier.
5. In addition to the moneys received pursuant to
the ordinance authorized under subsection 2, an
eligible city may deposit any other local sales and
services tax revenues received by it pursuant to the
distribution formula in section 423B.7, subsections 3,
4, and 5, to the special fund described in section
403.19, subsection 2.
6. For purposes of this section, the eligible city
shall assist the department of revenue in identifying
retail establishments in the urban renewal area that
are collecting the local sales and services tax. This
process shall be ongoing until the ordinance is
repealed.
13. Page 34, by inserting after line 7 the
following:
"Sec. 21. Section 423F.3, subsection 3, paragraph
c, as enacted by 2008 Iowa Acts, House File 2663,
section 29, if enacted, is amended to read as follows:
c. The board secretary shall notify the county
commissioner of elections of the intent to take the
issue to the voters. The county commissioner of
elections shall publish the notices required by law
for special or general elections, and the election
shall be held not sooner than thirty days nor later
than forty days after notice from the school board on
a date specified in section 39.2, subsection 4,
paragraph "c". A majority of those voting on the
question must favor approval of the revenue purpose
statement. If the proposal is not approved, the
school district shall not submit the same or new
revenue purpose statement to the electors for a period
of six months from the date of the previous election."

14. Page 35, by inserting after line 20 the
following:
"Sec. 22. Section 441.38, subsection 1, Code 2007,
is amended to read as follows:

1. Appeals may be taken from the action of the
local board of review with reference to protests of
assessment, to the district court of the county in
which the board holds its sessions within twenty days
after its adjournment or May 31, whichever date is
later. Appeals may be taken from the action of the
property assessment appeal board to the district court
of the county where the property which is the subject
of the appeal is located within twenty days after the
letter of disposition of the appeal by the property
assessment appeal board is postmarked to the
appellant. No new grounds in addition to those set
out in the protest to the local board of review as
provided in section 441.37, or in addition to those
set out in the appeal to the property assessment
appeal board, if applicable, can be pleaded, but
additional evidence to sustain those
grounds may be introduced in an appeal from the local
board of review to the district court. However, no
new evidence to sustain those grounds may be
introduced in an appeal from the property assessment
appeal board to the district court. The assessor
shall have the same right to appeal and in the same
manner as an individual taxpayer, public body, or
other public officer as provided in section 441.42.

Appeals shall be taken by filing a written notice of
appeal with the clerk of district court. Filing of
the written notice of appeal shall preserve all rights
of appeal of the appellant."

15. By striking page 43, line 25, through page
45, line 5.

16. Page 45, by inserting before line 6 the
following:
"Sec. 23. 2007 Iowa Acts, chapter 206, section 6,
unnumbered paragraph 3, is amended to read as follows:
Notwithstanding section 8.33, moneys appropriated
in this section that remain unencumbered or
unobligated at the close of the fiscal year shall not
revert but shall remain available for expenditure for
the purposes designated until the close of the
15 succeeding fiscal year beginning July 1, 2008."
16 17. Page 45, by inserting after line 19 the
17 following:
18 "Sec. 24. MEDICAL ASSISTANCE – APPROPRIATION.
19 There is appropriated from the general fund of the
20 state to the department of human services for the
21 fiscal year beginning July 1, 2008, and ending June
22 30, 2009, the following amount, or so much thereof as
23 is necessary, for the purpose designated:
24 Notwithstanding the reimbursement provisions in
25 2008 Iowa Acts, Senate File 2425, if enacted, or any
26 other provision requiring budget neutrality in setting
27 hospital reimbursement rates, as additional funding
28 for the medical assistance program to be used for the
29 rebasing of hospital reimbursement rates under the
30 medical assistance program:
31 ............................................................................................................... $5,500,000"
32 18. Page 46, by inserting after line 7 the
33 following:
34 "Sec. 25. 2008 Iowa Acts, Senate File 2425, if enacted, or any
35 other provision requiring budget neutrality in setting
36 hospital reimbursement rates, as additional funding
37 for the medical assistance program to be used for the
38 rebasing of hospital reimbursement rates under the
39 medical assistance program:
40 ............................................................................................................... $5,500,000"
41 19. Page 46, by inserting after line 7 the
42 following:
43 "Sec. 27. HEALTHY IOWANS TOBACCO TRUST –
44 APPROPRIATION – TOBACCO USE PREVENTION AND TREATMENT.
45
46
47
There is appropriated from the healthy Iowans tobacco trust created in section 12.65 to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For tobacco use prevention, cessation, and treatment, in addition to other appropriations made for this purpose:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,000,000</td>
<td>For tobacco use prevention, cessation, and treatment</td>
</tr>
</tbody>
</table>

Sec. 28. DEPARTMENT OF HUMAN SERVICES – SHELTER CARE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For supplementing the appropriation made for child and family services in 2008 Iowa Acts, Senate File 2425, if enacted, to be used to increase the amount allocated in that appropriation for shelter care to $8,072,215:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Purpose</th>
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</thead>
<tbody>
<tr>
<td>$1,000,000</td>
<td>For supplementing the appropriation made for child and family services</td>
</tr>
</tbody>
</table>

Sec. 29. INTERPRETERS FOR THE DEAF. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Due to the high numbers of articulation agreements between the state school for the deaf and Iowa Western Community College, for allocation for arrangements made between the state school for the deaf and Iowa Western Community College for deaf interpreters:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Purpose</th>
</tr>
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<tbody>
<tr>
<td>$200,000</td>
<td>For articulation agreements between the state school for the deaf and</td>
</tr>
</tbody>
</table>

Sec. 30. UNITED STATES CENTER FOR CITIZEN DIPLOMACY. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a grant to support the United States center for citizen diplomacy:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>$150,000</td>
<td>For a grant to support the United States center for citizen diplomacy</td>
</tr>
</tbody>
</table>

The director of the department of economic development shall condition the grant upon the grantee submitting all of the following: evidence of a matching amount from nongovernmental sources received during calendar year 2008, a financial plan for
program sustainability, evidence that the center’s principal place of business is in this state, and agreement to submit quarterly reports demonstrating that the center’s programs are directed to assisting the citizens of this state and beyond in promoting citizen diplomacy through individual, educational, business, and cultural efforts. The director shall submit the reports required under this section to the governor and the legislative council.

Sec. 31. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from any interest or earning moneys in the federal economic stimulus and jobs holding fund to the department of natural resources for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the abatement, control, and prevention of ambient air pollution in this state, including measures as necessary to assure attainment and maintenance of ambient air quality standards from particulate matter:

$195,000

20. Page 46, by inserting after line 12 the following:

"Sec. 32. DEPARTMENT OF CULTURAL AFFAIRS – BATTLE FLAG EMPLOYEES. The department of cultural affairs is authorized an additional 1.50 full-time equivalent positions for a conservation assistant and a part-time historian for work related to the stabilization and preservation of the battle flag collection."

21. Page 47, by inserting after line 18 the following:

"Sec. 33. EFFECTIVE DATE. The section of this division of this Act amending 2007 Iowa Acts, chapter 206, section 6, being deemed of immediate importance, takes effect upon enactment."

22. Page 56, by inserting after line 2 the following:

"Sec. 34. Section 100C.6, subsection 3, as enacted by 2008 Iowa Acts, House File 2646, section 1, is amended to read as follows:

3. Relieve any person engaged in fire sprinkler installation, maintenance, repair, service, or inspection as defined in section 100D.1 from obtaining a fire sprinkler installer or fire sprinkler and maintenance worker license as required pursuant to chapter 100D."

23. Page 58, line 25, by striking the words and figure "Sec. 106. NEW SECTION.".
24. Page 61, by inserting after line 24 the following:

"Sec. 35. 2008 Iowa Acts, House File 2689, section 35, if enacted, is amended by striking the section and inserting in lieu thereof the following:

SEC. 35. EFFECTIVE DATE. This division of this Act takes effect January 1, 2009."

25. Page 62, by inserting after line 29 the following:

"Sec. 36. 2008 Iowa Acts, Senate File 2432, section 1, subsection 5, paragraph c, if enacted, is amended to read as follows:

c. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321, notwithstanding section 8.57, subsection 6, paragraph "c":

| $500,000 |

Sec. 37. 2008 Iowa Acts, Senate File 2432, section 1, subsection 9, paragraph a, if enacted, is amended to read as follows:

a. For purposes of supporting a water trails development program and a lowhead dam public hazard improvement program, notwithstanding section 8.57, subsection 6, paragraph "c":

| $1,000,000 |

The department shall award grants to dam owners including counties, cities, state agencies, cooperatives, and individuals, to support projects approved by the department. The department shall require each dam owner applying for a project grant to submit a project plan for the expenditure of the moneys, and file a report with the department regarding the project, as required by the department. The funds can be used for signs, posts, and related cabling, and the department shall only award money on a matching basis, pursuant to the dam owner contributing at least 20 cents for every 80 cents awarded by the department, in order to finance the project. For the remainder of the funds, including any balance of money not awarded for signs, posts, and related cabling, the department shall only award moneys to a dam owner on a matching basis. A dam owner shall contribute one dollar for each dollar awarded by the department in order to finance a project moneys for the water trails development program or to the lowhead dam public hazard improvement program on a matching basis according to departmental rules."
Page 62, by inserting after line 29 the following:

DIVISION ANIMAL AGRICULTURE

Sec. 38. Section 459.102, subsection 4, Code 2007, is amended to read as follows:

4. "Animal feeding operation" means a lot, yard, corral, building, or other area in which animals are confined and fed and maintained for forty-five days or more in any twelve-month period, and all structures used for the storage of manure from animals in the operation. An Exception as required for a national pollutant discharge elimination system permit required pursuant to the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, an animal feeding operation does not include a livestock market.

Sec. 39. Section 459A.103, subsection 3, Code 2007, is amended to read as follows:

3. a. In calculating the animal unit capacity of an open feedlot operation, the animal unit capacity shall not include the animal unit capacity of any confinement feeding operation building as defined in section 459.102, which is part of the open feedlot operation.

b. Notwithstanding paragraph "a", only for purposes of determining whether an open feedlot operation must obtain an operating permit, the animal unit capacity of the animal feeding operation includes the animal unit capacities of both the open feedlot operation and the confinement feeding operation if the animals in the open feedlot operation and the confinement feeding operation are all in the same category or type of animals as used in the definitions of large and medium concentrated animal feeding operations in 40 C.F.R. pt. 122. In all other respects the confinement feeding operation shall be governed by chapter 459 and the open feedlot operation shall be governed by this chapter.

Sec. 40. Section 459A.401, subsection 2, paragraph a, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

An open feedlot operation in compliance with the inspection and recordkeeping requirements of 40 C.F.R. pt. 122 and 40 C.F.R. pt. 412 applicable to the operation may discharge open feedlot effluent into any waters of the United States due to a precipitation event, if any of the following apply:

Sec. 41. COMPLIANCE EDUCATION EFFORT. The department of natural resources shall provide for a
compliance education effort. In administering the
effort, the department, in cooperation with
associations that represent livestock producers and
organizations that represent farmers generally, shall
provide information on a statewide basis to persons
involved with maintaining animals in a confinement
feeding operation or open feedlot operation regarding
methods and practices to ensure compliance with this
Act.

Sec. 42. APPLICABILITY AND ENFORCEMENT.
1. A person required to obtain an operating permit
for an animal feeding operation by the department of
natural resources pursuant to 567 IAC ch. 65, and
section 459.102, subsection 4, as amended by this
division of this Act, or section 459A.103, subsection
3, as amended by this division of this Act, shall
submit an application for the operating permit to the
department of natural resources on or before December
31, 2008. The application for the operating permit
must be complete, including all information required
to be included in the application according to rules
adopted by the department.
2. a. The state shall not take an enforcement
action against a person arising from the person’s
failure to obtain an operating permit by the
department of natural resources as required pursuant
to this division of this Act if the person’s
application for the operating permit application is
pending in accordance with subsection 1.
b. The state shall not take an enforcement action
against a person arising from the person’s failure to
obtain an operating permit as required pursuant to
this division of this Act for the period beginning on
the day when the department of natural resources
denies the person’s application for the operation
permit and ending on the thirtieth day after the
person receives written notice that such application
has been denied.

Sec. 43. EFFECTIVE DATE.
1. Except as provided in subsection 2, this
division of this Act takes effect on December 31,

2008.
2. The section of this division of this Act
establishing a compliance education effort takes
effect upon enactment.

DIVISION _____
RETIREMENT FOR SENIOR JUDGES
Sec. 44. Section 602.9202, Code 2007, is amended
by adding the following new subsection:
NEW SUBSECTION. 3A. "Senior judge retirement age"
means seventy-eight years of age or, if the senior judge is reappointed as a senior judge for an additional two-year term upon attaining seventy-eight years of age pursuant to section 602.9203, eighty years of age.

Sec. 45. Section 602.9203, subsection 5, Code 2007, is amended to read as follows:
5. a. A senior judge may be reappointed to additional two-year terms, at the discretion of the supreme court, if the judicial officer meets the requirements of subsection 2.
b. A senior judge may be reappointed to an additional two-year term upon attaining seventy-eight years of age, at the discretion of the supreme court, if the judicial officer meets the requirements of subsection 2.

Sec. 46. Section 602.9204, subsection 1, Code 2007, is amended to read as follows:
1. A judge who retires on or after July 1, 1994, and who is appointed a senior judge under section 602.9203 shall be paid a salary as determined by the general assembly. A senior judge or retired senior judge shall be paid an annuity under the judicial retirement system in the manner provided in section 602.9109, but computed under this section in lieu of section 602.9107, as follows: The annuity paid to a senior judge or retired senior judge shall be an amount equal to the applicable percentage multiplier of the basic senior judge salary, multiplied by the judge’s years of service prior to retirement as a judge of one or more of the courts included under this article, for which contributions were made to the system, except the annuity of the senior judge or retired senior judge shall not exceed an amount equal to the applicable specified percentage of the basic senior judge salary used in calculating the annuity. However, following the twelve-month period during which the senior judge or retired senior judge attains seventy-eight years of senior judge retirement age, the annuity paid to the person shall be an amount equal to the applicable percentage multiplier of the basic senior judge salary cap, multiplied by the judge’s years of service prior to retirement as a judge of one or more of the courts included under this article, for which contributions were made to the system, except that the annuity shall not exceed an amount equal to the applicable specified percentage of the basic senior judge salary cap. A senior judge or
8 retired senior judge shall not receive benefits
9 calculated using a basic senior judge salary
10 established after the twelve-month period in which the
11 senior judge or retired senior judge attains
12 seventy-eight years of senior judge retirement age.
13 The state shall provide, regardless of age, to an
14 active senior judge or a senior judge with six years
15 of service as a senior judge and to the judge's
16 spouse, and pay for medical insurance until the judge
17 attains the senior judge retirement age of
18 seventy-eight years.
19 Sec. 47. Section 602.9204, subsection 2,
20 paragraphs d and e, Code 2007, is amended to read as
21 follows:
22 d. "Basic senior judge salary cap" means the basic
23 senior judge salary, at the end of the twelve-month
24 period during which the senior judge or retired senior
25 judge attained seventy-eight years of senior judge
26 retirement age, of the office in which the person last
27 served as a judge before retirement as a judge or
28 senior judge.
29 e. "Escalator" means the difference between the
30 current basic salary, as of the time each payment is
31 made up to and including the twelve-month period
32 during which the senior judge or retired senior judge
33 attains seventy-eight years of senior judge retirement
34 age, of the office in which the senior judge last
35 served as a judge before retirement as a judge or
36 senior judge, and the basic annual salary which the
37 judge is receiving at the time the judge becomes
38 separated from full-time service as a judge of one or
39 more of the courts included in this article, as would
40 be used in computing an annuity pursuant to section
41 602.9107 without service as a senior judge.
42 Sec. 48. Section 602.9207, subsection 1, Code
43 2007, is amended to read as follows:
44 1. A senior judge shall cease to be a senior judge
45 upon completion of the twelve-month period during
46 which the judge attains seventy-eight years of senior
47 judge retirement age. The clerk of the supreme court
48 shall make a notation of the retirement of a senior
49 judge in the roster of senior judges, at which time
50 the senior judge shall become a retired senior judge.

Page 21

1 Sec. 49. Section 602.9208, subsection 1, Code
2 2007, is amended to read as follows:
3 1. A senior judge, at any time prior to the end of
4 the twelve-month period during which the judge attains
5 seventy-eight years of senior judge retirement age,
6 may submit to the clerk of the supreme court a written
request that the judge's name be stricken from the roster of senior judges. Upon the receipt of the request the clerk shall strike the name of the person from the roster of senior judges, at which time the person shall cease to be a senior judge. A person who relinquishes a senior judgeship as provided in this subsection may be assigned to temporary judicial duties as provided in section 602.1612.

DIVISION ______

CORE CURRICULUM FOR SCHOOLS

Sec. 50. Section 256.7, subsection 26, Code Supplement 2007, as amended by 2008 Iowa Acts, Senate File 2216, section 1, is amended to read as follows:

26. a. Adopt rules that establish a core curriculum and requiring, beginning with the students in the 2010--2011 school year graduating class, high school graduation requirements for all students in school districts and accredited nonpublic schools that include at a minimum satisfactory completion of four years of English and language arts, three years of mathematics, three years of science, and three years of social studies. The core curriculum adopted shall address the core content standards in subsection 28 and the skills and knowledge students need to be successful in the twenty-first century. The core curriculum shall include social studies and twenty-first century learning skills which include but are not limited to civic literacy, health literacy, technology literacy, financial literacy, and employability skills; and shall address the curricular needs of students in kindergarten through grade twelve in those areas. For purposes of this subsection, "financial literacy" shall include but not be limited to financial responsibility and planning skills; money management skills, including setting financial goals, creating spending plans, and using financial instruments; applying decision-making skills to analyze debt incurrence and debt management; understanding risk management, including the features and functions of insurance; and understanding saving and investing as applied to long-term financial security and asset building. The department shall further define the twenty-first century learning skills components by rule.

b. Continue the inclusive process begun during the initial development of a core curriculum for grades nine through twelve including stakeholder involvement, including but not limited to representatives from the private sector and the business community, and
alignment of the core curriculum to other recognized
sets of national and international standards. The
state board shall also recommend quality assessments
to school districts and accredited nonpublic schools
to measure the core curriculum.
The state board shall not require school districts
or accredited nonpublic schools to adopt a specific
textbook or textbook series to meet the core
curriculum requirements of Neither the state board nor
the department shall require school districts or
accredited nonpublic schools to adopt a specific
textbook, textbook series, or specific instructional
methodology, or acquire specific textbooks, curriculum
materials, or educational products from a specific
vendor in order to meet the core curriculum
requirements of this subsection or the core content
standards adopted pursuant to subsection 28.
Sec. 51. Section 256.9, subsection 57, as enacted
by 2008 Iowa Acts, section 2, is amended to read as
follows:
57. a. Develop and distribute, in collaboration
with the area education agencies, core curriculum
technical assistance and implementation strategies
that school districts and accredited nonpublic schools
may shall utilize, including but not limited to the
development and delivery of formative and
end-of-course model assessments classroom teachers can
may use to measure student progress on the core
curriculum adopted pursuant to section 256.7,
subsection 26. The department shall continue to
collaborate with Iowa testing programs on the
development of, in collaboration with the advisory
group convened in accordance with paragraph "b" and
educational assessment providers, identify and make
available to school districts end-of-course and
additional model end-of-course and additional
assessments to align with the expectations included in
the Iowa core curriculum. The model assessments shall
be suitable to meet the multiple assessment measures
requirement specified in section 256.7, subsection 21,
paragraph "c".
b. Convene an advisory group comprised of
education stakeholders including but not limited to
school district and accredited nonpublic school
teachers, school administrators, higher education

Page 23

faculty who teach in the subjects for which the
curriculum is being adopted, private sector employers,
members of the boards of directors of school
districts, and individuals representing the
educational assessment providers. The task force shall review the national assessment of educational progress standards and assessments used by other states, and shall consider standards identified as best practices in the field of study by the national councils of teachers of English and mathematics, the national council for the social studies, the national science teachers association, and other recognized experts.

Sec. 52. Section 257.11, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. A school district shall ensure that any course made available to a student through any sharing agreement between the school district and a community college or any other entity providing course programming pursuant to this section to students enrolled in the school district meets the expectations contained in the core curriculum adopted pursuant to section 256.7, subsection 26. The school district shall ensure that any course that has the capacity to generate college credit shall be equivalent to college-level work.

Sec. 53. Section 280.2, Code 2007, is amended to read as follows:

280.2 DEFINITIONS.
The term "public school" means any school directly supported in whole or in part by taxation. The term "nonpublic school" means any other school which is accredited or which uses licensed practitioners as instructors pursuant to section 256.11.

Sec. 54. 2008 Iowa Acts, Senate File 2216, section 6, is amended to read as follows:

SEC. 6. DEPARTMENT OF EDUCATION – CORE CURRICULUM STUDY. The department of education shall conduct a study of the measures necessary for the successful adoption by the state’s school districts and accredited nonpublic schools of core curriculums and core content standards established by rule pursuant to section 256.7, subsections 26 and 28. The study shall include an examination of the possible future expansion of the core curriculum to include content areas not currently included under section 256.7, subsection 26, including but not limited to fine arts, applied arts, humanities, and world languages. The department shall submit its findings and recommendations, including recommendations for statutory and administrative rule changes necessary, to the general assembly by November 14, 2008.
PUBLIC INFORMATION BOARD – APPROPRIATION
Sec. 55. Section 21.6, subsection 3, paragraph a, subparagraph (3), Code 2007, is amended to read as follows:

(3) Reasonably relied upon a decision of a court, or a formal opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing.

Sec. 56. Section 21.6, subsection 3, paragraph d, Code 2007, is amended to read as follows:

d. Shall issue an order removing a member of a governmental body from office if that member has engaged in a prior violation of this chapter for which damages were assessed against the member during the member’s term. In making this determination, the court shall recognize violations for which damages were assessed by the Iowa public information board created in section 23.3.

Sec. 57. Section 22.10, subsection 3, paragraphs b and d, Code 2007, are amended to read as follows:
b. Shall assess the persons who participated in its violation damages in the amount of not more than five hundred dollars nor less than one hundred dollars. These damages shall be paid by the court imposing them to the state of Iowa if the body in question is a state government body, or to the local government involved if the body in question is a local government body. A person found to have violated this chapter shall not be assessed such damages if that person proves that the person either voted against the action violating this chapter, refused to participate in the action violating this chapter, or engaged in reasonable efforts under the circumstances to resist or prevent the action in violation of this chapter; had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with the requirements of this chapter; or reasonably relied upon a decision of a court or a formal opinion of the Iowa public information board, the attorney general or the attorney for the government body, given in writing or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the
attorney for the government body, given in writing.

d. Shall issue an order removing a person from
office if that person has engaged in a prior violation
of this chapter for which damages were assessed
against the person during the person’s term. In
making this determination, the court shall recognize
violations for which damages were assessed by the Iowa
public information board created in section 23.3.

Sec. 58. NEW SECTION. 23.1 CITATION AND PURPOSE.

This chapter may be cited as the "Iowa Public
Information Board Act". The purpose of this chapter
is to provide an alternative means by which to secure
compliance with and enforcement of the requirements of
chapters 21 and 22 through the provision by the Iowa
public information board to all interested parties of
an efficient, informal, and cost-effective process for
resolving disputes.

Sec. 59. NEW SECTION. 23.2 DEFINITIONS.

1. "Board" means the Iowa public information board
created in section 23.3.

2. "Complainant" means a person who files a
complaint with the board.

3. "Complaint" means a written and signed document
filed with the board alleging a violation of chapter
21 or 22.

4. "Custodian" means a government body, government
official, or government employee designated as the
lawful custodian of a government record pursuant to
section 22.1.

5. "Government body" means the same as defined in
section 22.1.

6. "Person" means an individual, partnership,
association, corporation, legal representative,
trustee, receiver, custodian, government body, or
official, employee, agency, or political subdivision
of this state.

7. "Respondent" means any agency or other unit of
state or local government, custodian, government
official, or government employee who is the subject of
a complaint.

Sec. 60. NEW SECTION. 23.3 BOARD APPOINTED.

1. An Iowa public information board is created
consisting of five members appointed by the governor,
subject to confirmation by the senate. Membership
shall be balanced as to political affiliation as
provided in section 69.16 and gender as provided in
section 69.16A. Members appointed to the board shall
serve staggered, four-year terms, beginning and ending

as provided by section 69.19. A quorum shall consist
of three members.

2. A vacancy on the board shall be filled by the
governor by appointment for the unexpired part of the
term. A board member may be removed from office by
the governor for good cause. The board shall select
one of its members to serve as chair and shall employ
a director who shall serve as the executive officer of
the board.

Sec. 61. NEW SECTION. 23.4 COMPENSATION AND
EXPENSES.

Board members shall be paid a per diem as specified
in section 7E.6 and shall be reimbursed for actual and
necessary expenses incurred while on official board
business. Per diem and expenses shall be paid from
funds appropriated to the board.

Sec. 62. NEW SECTION. 23.5 ELECTION OF REMEDIES.

1. An aggrieved person, any taxpayer to or citizen
of this state, the attorney general, or any county
attorney may seek enforcement of the requirements of
chapters 21 and 22 by electing either to file an
action pursuant to section 17A.19, 21.6, or 22.10,
whichever is applicable, or in the alternative, to
file a timely complaint with the board.

2. If more than one person seeks enforcement of
chapter 21 or 22 with respect to the same incident
involving an alleged violation, and one or more of
such persons elects to do so by filing an action under
section 17A.19, 21.6, or 22.10 and one or more of such
persons elects to do so by filing a timely complaint
with the board, the court in which the action was
filed shall dismiss the action without prejudice,
authorizing the complainant to file a complaint with
respect to the same incident with the board without
regard to the timeliness of the filing of the
complaint at the time the action in court is
dismissed.

3. If a person files an action pursuant to section
22.8 seeking to enjoin the inspection of a public
record, the respondent or person requesting access to
the record which is the subject of the request for
injunction may remove the proceeding to the board for
its determination by filing, within thirty days of the
commencement of the judicial proceeding, a complaint
with the board alleging a violation of chapter 22 in
regard to the same matter.

Sec. 63. NEW SECTION. 23.6 BOARD POWERS AND
DUTIES.

The board shall have all of the following powers
and duties:
1. Employ such employees as are necessary to execute its authority, including administrative law judges, and attorneys to prosecute respondents in proceedings before the board and to represent the board in proceedings before a court. Notwithstanding section 8A.412, all of the board’s employees, except for the executive director and attorneys, shall be employed subject to the merit system provisions of chapter 8A, subchapter IV.

2. Adopt rules with the force of law pursuant to chapter 17A calculated to implement, enforce, and interpret the requirements of chapters 21 and 22 and to implement any authority delegated to the board by this chapter.

3. Issue, consistent with the requirements of section 17A.9, declaratory orders with the force of law determining the applicability of chapter 21 or 22 to specified fact situations and issue informal advice to any person concerning the applicability of chapters 21 and 22.

4. Receive complaints alleging violations of chapter 21 or 22, seek resolution of such complaints through informal assistance or through mediation and settlement, formally investigate such complaints, decide after such an investigation whether there is probable cause to believe a violation of chapter 21 or 22 has occurred, and if probable cause has been found prosecute the respondent before the board in a contested case proceeding conducted according to the provisions of chapter 17A.

5. Request and receive from a government body assistance and information as necessary in the performance of its duties. The board may examine a record of a government body that is the subject matter of a complaint, including any record that is confidential by law. Confidential records provided to the board by a governmental body shall continue to maintain their confidential status. Any member or employee of the board is subject to the same policies and penalties regarding the confidentiality of the document as an employee of the government body.

6. Issue subpoenas enforceable in court for the purpose of investigating complaints and to facilitate the prosecution and conduct of contested cases before the board.

7. After appropriate board proceedings, issue orders with the force of law, determining whether there has been a violation of chapter 21 or 22, requiring compliance with specified provisions of those chapters, imposing civil penalties equivalent to
and to the same extent as those provided for in section 21.6 or 22.10, as applicable, on a respondent who has been found in violation of chapter 21 or 22, and imposing any other appropriate remedies calculated to declare, terminate, or remediate any violation of those chapters.

8. Represent itself in judicial proceedings to enforce or defend its orders and rules through attorneys on its own staff, through the office of the attorney general, or through other attorneys retained by the board, at its option.

9. Make training opportunities available to lawful custodians, government bodies, and other persons subject to the requirements of chapters 21 and 22 and require, in its discretion, appropriate persons who have responsibilities in relation to chapters 21 and 22 to receive periodic training approved by the board.

10. Disseminate information calculated to inform members of the public about the public’s right to access government information in this state including procedures to facilitate this access and including information relating to the obligations of government bodies under chapter 21 and lawful custodians under chapter 22 and other laws dealing with this subject.

11. Prepare and transmit to the governor and to the general assembly, at least annually, reports describing complaints received, board proceedings, investigations, hearings conducted, decisions rendered, and other work performed by the board.

12. Make recommendations to the general assembly proposing legislation relating to public access to government information deemed desirable by the board in light of the policy of this state to provide as much public access as possible to government information as is consistent with the public interest and the need to protect individuals against undue invasions of personal privacy.

Sec. 64. NEW SECTION. 23.7 FILING OF COMPLAINTS WITH THE BOARD.

1. The board shall adopt rules with the force of law and pursuant to chapter 17A providing for the timing, form, content, and means by which any aggrieved person, any taxpayer to or citizen of this state, the attorney general, or any county attorney may file a complaint with the board alleging a violation of chapter 21 or 22. The complaint must be filed within sixty days from the time the alleged violation occurred or the complainant could have become aware of the violation with reasonable diligence.
2. All board proceedings in response to the filing of a complaint shall be conducted as expeditiously as possible.

3. The board shall not charge a complainant any fee in relation to the filing of a complaint, the processing of a complaint, or any board proceeding or judicial proceeding resulting from the filing of a complaint.

Sec. 65. NEW SECTION. 23.8 INITIAL PROCESSING OF COMPLAINT.

Upon receipt of a complaint alleging a violation of chapter 21 or 22, the board shall do either of the following:

1. Determine that, on its face, the complaint is within the board’s jurisdiction, appears legally sufficient, and could have merit. In such a case the board shall accept the complaint, and shall notify the parties of that fact in writing.

2. Determine that, on its face, the complaint is outside its jurisdiction, is legally insufficient, is frivolous, is without merit, involves harmless error, or relates to a specific incident that has previously been finally disposed of on its merits by the board or a court. In such a case the board shall decline to accept the complaint. If the board refuses to accept a complaint, the board shall provide the complainant with a written order explaining its reasons for the action.

Sec. 66. NEW SECTION. 23.9 INFORMAL ASSISTANCE – MEDIATION AND SETTLEMENT.

1. After accepting a complaint, the board shall promptly work with the parties through its employees to reach an informal, expeditious resolution of the complaint. If an informal resolution satisfactory to the parties cannot be reached, the board or the board’s designee shall offer the parties an opportunity to resolve the dispute through mediation and settlement.

2. The mediation and settlement process shall enable the complainant to attempt to resolve the dispute with the aid of a neutral mediator employed and selected by the board, in its discretion, from either its own staff or an outside source.

3. Mediation shall be conducted as an informal, nonadversarial process and in a manner calculated to help the parties reach a mutually acceptable and voluntary settlement agreement. The mediator shall assist the parties in identifying issues and shall foster joint problem solving and the exploration of settlement alternatives.
Sec. 67. NEW SECTION. 23.10 ENFORCEMENT.

1. If any party declines mediation or settlement or if mediation or settlement fails to resolve the matter to the satisfaction of all parties, the board shall initiate a formal investigation concerning the facts and circumstances set forth in the complaint. The board shall, after an appropriate investigation, make a determination as to whether the complaint is within the board’s jurisdiction and whether there is probable cause to believe that the facts and circumstances alleged in the complaint constitute a violation of chapter 21 or 22.

2. If the board finds the complaint is outside the board’s jurisdiction or there is no probable cause to believe there has been a violation of chapter 21 or 22, the board shall issue a written order explaining the reasons for the board’s conclusions and dismissing the complaint, and shall transmit a copy to the complainant and to the party against whom the complaint was filed.

3. a. If the board finds the complaint is within the board’s jurisdiction and there is probable cause to believe there has been a violation of chapter 21 or 22, the board shall issue a written order to that effect and shall commence a contested case proceeding under chapter 17A against the respondent. An attorney selected by the director of the board shall prosecute the respondent in the contested case proceeding. At the termination of the contested case proceeding the board shall, by a majority vote of its members, render a final decision as to the merits of the complaint.

   b. If the board determines, by a majority vote of its members, that the respondent has violated chapter 21 or 22, the board may also do any or all of the following:
      (1) Require the respondent to pay damages as provided for in section 21.6 or 22.10, whichever is applicable, to the extent that provision would make such damages payable if the complainant had sought to enforce a violation in court instead of through the board.
      (2) Void any action taken in violation of chapter 21 if a court would be authorized to do so in similar
1. circumstances pursuant to section 21.6.
2. c. The board shall not have the authority to
3. remove a person from public office for a violation of
4. chapter 21 or 22. The board may file an action under
5. chapter 21 or 22 to remove a person from office for
6. violations that would subject a person to removal
7. under those chapters.
8. d. A final board order resulting from such
9. proceedings may be enforced by the board in court and
10. is subject to judicial review pursuant to section
11. 17A.19.
12. Sec. 68. NEW SECTION. 23.11 DEFENSES IN A
13. CONTESTED CASE PROCEEDING.
14. A respondent may defend against a proceeding before
15. the board charging a violation of chapter 21 or 22 on
16. the ground that if such a violation occurred it was
17. only harmless error or that clear and convincing
18. evidence demonstrated that grounds existed to justify
19. a court to issue an injunction against disclosure
20. pursuant to section 22.8.
21. Sec. 69. NEW SECTION. 23.12 JURISDICTION.
22. The board shall not have jurisdiction over the
23. judicial or legislative branches of state government
24. or any entity, officer, or employee of those branches,
25. or over the governor or the office of the governor.
26. Sec. 70. IOWA PUBLIC INFORMATION BOARD –
27. TRANSITION PROVISIONS.
28. 1. The initial members of the Iowa public
29. information board established pursuant to this
30. division of this Act shall be appointed by September
32. 2. Notwithstanding any provision of this division
33. of this Act to the contrary, the director of the board
34. and employees of the board shall not be hired prior to
36. 3. Prior to July 1, 2009, the board shall submit a
37. report to the governor and the general assembly. The
38. report shall include a job description for the
39. executive director of the board, goals for board
40. operations, and performance measures to measure
41. achievement of the board’s goals.
42. Sec. 71. APPROPRIATION – IOWA PUBLIC INFORMATION
43. BOARD. There is appropriated from the general fund of
44. the state to the department of management for the
45. fiscal year beginning July 1, 2008, and ending June
46. 30, 2009, the following amount, or so much thereof as
47. is necessary, to be used for the following purpose:
48. For the initial expenses of the Iowa public
49. information board as established in this division of
50. this Act:
Sec. 72. LEGISLATIVE INTENT – OPEN MEETINGS AND PUBLIC RECORDS LAWS. It is the intent of the general assembly to provide as much transparency in government operations as possible consistent with the need to avoid undue invasions of personal privacy and the need to avoid significant interference with the achievement of other important and legitimate state objectives. To these ends, the general assembly will continue to consider and make any necessary technical, practical, and policy revisions to Iowa’s open meetings law, chapter 21, and Iowa’s public records law, chapter 22.

DIVISION ______

WAGE-BENEFITS TAX CREDIT PROGRAM

Sec. 73. Section 15.335A, subsection 2, paragraphs b and c, Code 2007, are amended by striking the paragraphs and inserting in lieu thereof the following:

b. "Average county wage" means the annualized, average hourly wage based on wage information compiled by the department of workforce development.

c. "Benefits" means all of the following:

(1) Medical and dental insurance plans. If an employer offers medical insurance under both single and family coverage plans, the employer shall be given credit for providing medical insurance under family coverage plans to all new employees.

(2) Pension and profit sharing plans.

(3) Child care services.

(4) Life insurance coverage.

(5) Other benefits identified by rule of the department of revenue.

Sec. 74. Section 15.336, Code 2007, is amended to read as follows:

15.336 OTHER INCENTIVES.

An eligible business may receive other applicable federal, state, and local incentives and credits in addition to those provided in this part. However, a business which participates in the program under this part shall not receive any wage benefits tax credits under chapter 15I.

Sec. 75. Section 15G.112, subsection 1, Code 2007, is amended to read as follows:

1. In order to receive financial assistance from the department from moneys appropriated from the grow Iowa values fund, the average annual wage, including benefits, of new jobs created must be equal to or greater than one hundred thirty percent of the average county wage. For purposes of this section, "average county wage" and "benefits" mean the same as defined.
in section 15I.1 15.335A.

Sec. 76. Section 422.33, subsection 18, Code Supplement 2007, is amended by striking the subsection.

Sec. 77. Section 422.60, subsection 10, Code Supplement 2007, is amended by striking the subsection.

Sec. 78. Section 533.329, subsection 2, paragraph m, Code Supplement 2007, is amended by striking the subsection.

Sec. 79. Sections 15I.2, 15I.3, and 422.11L, Code Supplement 2007, are repealed.

Sec. 80. Sections 15I.1, 15I.4, 15I.5, and 432.12G, Code 2007, are repealed.

Sec. 81. CONTINUATION OF TAX CREDITS. The repeal of chapter 15I in this division of this Act does not affect the availability of tax credits for qualified new jobs in existence on June 30, 2008. Qualified new jobs in existence on June 30, 2008, shall continue to be eligible to receive the tax credits for the remainder of the five-year period. However, a business is not entitled to a tax credit for a qualified new job created on or after July 1, 2008.”

Wise of Lee offered the following amendment H–8729, to the Senate amendment H–8728, filed by him from the floor and moved its adoption:

H–8729

Amend the Senate amendment, H–8728, to House File 2700, as amended, passed, and reprinted by the House, as follows:

1. By striking page 4, line 31, through page 5, line 21.
2. By striking page 5, line 22, through page 6, line 34.
3. Page 8, by striking lines 9 through 34.
4. Page 15, by inserting after line 48 the following:
   “. Page 50, by striking lines 3 through 30.”
5. By striking page 24, line 3, through page 32, line 12.
6. By renumbering as necessary.
Amendment H–8729 was adopted.

Oldson of Polk moved that the House concurred in the Senate amendment H–8728, as amended.

Oldson of Polk 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. 2700)

The ayes were, 51:

Abdul-Samad  Bailey  Bell  Berry
Bukta  Coohoon  Dandekar  Davitt
Foegge  Ford  Frevert  Gaskill
Gayman  Heddens  Hunter  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

The nays were, 45:

Alons  Anderson  Arnold  Baudler
Boal  Chambers  Clute  De Boef
Deyoe  Dolecheck  Drake  Gipp
Granzow  Grassley  Greiner  Heaton
Hoffman  Horbach  Huseman  Huser
Jacobs  Kaufmann  Lukan  Mertz
Miller, L.  Olson, S.  Paulsen  Pettengill
Raecker  Rants  Rasmussen  Rayhons
Sands  Schickel  Soderberg  Struyk
Tjepkes  Tomenga  Tymeson  Upmeyer
Van Fossen  Watts  Wienczek  Windschitl
Worthan
Absent or not voting, 4:

Forristall      May      Roberts      Van Engelenhoven

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 2700 be immediately messaged to the Senate.

REMARKS BY MINORITY LEADER RANTS

Rants of Woodbury offered the following remarks:

Mr. Speaker, ladies and gentlemen of the House...I direct my first comments to the pages – who unlike most, understand the direct correlation between Guitar Hero and John Galt. I hope that this year was a rewarding one. I've got to say that I think this is the best group of pages we've ever had.

Before I get along too far I want to say how proud I am of the Republicans in this chamber. To my assistant leaders, Kraig, Rod, Linda, Doug, & Jeff, thank you, and thank you Representative Raecker.

To my staff, Jeff, Josie, Allison, Lon, Brad, Mary, Ann, Lew, Kelly, Noreen and Jason, thank you for all you do.

And to all the members of our Republican Caucus, thank you. We stood at the wall ready to fight for what we believed. That willingness allowed us to save Iowa's Right to Work Law. We did what we could to stop the tax increases, we tried to maintain the integrity of our spending limitation law and we worked in a bipartisan way, as long as we were included in the decision making, on health care reform this year.

Thank you. We fulfilled our responsibilities as representatives of our constituents.

Now, I'd like to take this chance to point out a few of the lessons I've learned sitting at this desk. Some of the lessons I admittedly did not want to learn, some of them may be of interest to no one but me, and some of them are about very serious things.

For example, I've learned quorum calls are like watching the Godfather trilogy...every time you think they are about to end, they just keep going. They never end and when they finally do and I'm not really sure what happened.

I've learned that the best way to ensure that your priorities become law is simply to make sure that they are the same priorities of Senator Gronstal. I joked last year that he'd become Speaker Leader Governor Gronstal. I don't think it's a joke anymore.

I learned that the best way to keep a secret in this building is to simply draft a plan that is a priority of organized labor. You can be assured that nobody gets to see it, read it or understand it before it hits the floor.
I was taught a lot of lessons over the years by a lot of people. People like Ron Corbett, Brent Siegrist and Chuck Gipp taught me how to be Majority Leader, and Dick Myers, Dave Schrader and Bob Arnold taught me how to be Minority Leader. One of those lessons was that regardless of how much you disagree with what the minority leader says in their remarks on the floor, as long as they are not being disrespectful, you always give them latitude. I can’t tell you how many times I listened to Dave Schrader and Dick Myers excoriate the Republican majority without being cut off or hit with a point of order. They were extended latitude. I learned that is not the case anymore. Democrats will not extend the same courtesy to Republicans that we extended to you.

You know, one of the things that has always frustrated me is the notion that all of us up here are the same. That Republicans and Democrats aren’t any different from each other. You hear it all the time from voters frustrated with their government – that it doesn’t matter who they talk to because they results are always the same.

I think the last two sessions have put that misguided notion to permanent rest. There are significant differences between the two parties.

In the last two years, Democrats in this chamber have raised taxes and increased state spending by nearly ONE BILLION dollars and still had to brake the expenditure limitation law to satisfy their absolutely unquenchable need for more government spending.

Even on the last day – surprise! Another $7 million dollar property tax increase that was never talked about.

All, all, in the face record revenues and with money literally pouring into the state treasury at a record level.

It’s like watching a scary movie where the teenager goes outside to investigate a strange noise. You know he’s going to do it, but when he’s does, you still can’t believe he actually went through with it. That’s what it was like watching the majority party blow through the expenditure limitation law.

Watching Iowa’s Agenda, I heard one Democrat say the following:

“We in the majority seek the assistance of the minority to help the majority party recognize when maybe there are things we’ve not seen and bring these issues forward, and hopefully we can influence enough people that our funding doesn’t get out of control.”

Well, Republicans have been holding up warning signs for the last two years – and you’ve run through them all. This time, the bridge really is out – we are facing $500 million in built-in expenditures with no new funding, all in a time of economic uncertainty.

I know how Democrats bristle at the charge of being elitists. Nobody likes to be put into that club. I know those of you in the majority party certainly don’t think you belong in that category.
Well, if that is truly the case, then explain the following:

You gave Microsoft a big tax break, but didn’t extend the same to smaller Iowa-based technology companies.

You’ve been openly hostile to Iowa’s homeschoolers, while literally dumping millions of new dollars into public schools.

You thought it was okay to mandate gym class, but it wasn’t okay to mandate the Pledge of Allegiance.

You tried to force Iowans to pay union dues, regardless if they belong to union or not.

You let big casinos drive through a loophole in the smoking ban, but you stuck it to small town restaurants and bars.

You found money for an antique organ, but you couldn’t find the money for the deaf and blind children.

You gave Principal a nice $750,000 gift for the riverwalk here in Des Moines, but you couldn’t find any money to help fix old buildings on main street.

You gave a big pay raise to the governor, but you raised taxes on hundreds of thousands of working class Iowans who just want to be left alone to live their lives and make their own way.

And you know, I think that is the enduring theme of this legislature. A legislature which has continually told Iowans that we’re going to do this for your own good – whether you like it or not, because government knows best.

Why? Why?

This legislature has made a deliberate effort to limit liberties in the name of what some of you think is the public good. Now I’m about to do something that I didn’t think I’d ever do. I’m going to quote Hillary Clinton. I apologize to the Obama supporters but I found this quote from Senator Clinton and I think it perfectly describes the attitude of this General Assembly for the last two years.

In 2004 Senator Clinton said, “We’re going to take things away from you on behalf of the common good.”

The pages who read Atlas Shrugged know what a looter sounds like when they’ve heard one. Well, that’s a looter, and this chamber is full of them.

Republicans came in here looking to find bi-partisan consensus on things like education standards for kids, making healthcare more portable, and finding relief for the property tax payer. We worked with you where you let us. When we disagreed with you, we did it out in the open. But when the going got tough, you dropped the bi-partisan compromise in favor of political expedience behind closed doors.
You raised taxes, increased government spending, limited the ability of people to make informed decisions about their own behavior. All, I assume, in the name of helping those who can’t help themselves. All in the name of the little guy, of the forgotten man.

Ladies and Gentleman, the forgotten man the last two sessions was the taxpayer.

REMARKS BY MAJORITY LEADER MCCARTHY

McCarthy of Polk offered the following remarks:

Mr. Speaker, ladies and gentlemen of the House. I will try to be brief because I know it is very late.

First, I just want to say a few thank you's. First to you, Speaker Murphy. It has been good to be a part of your team. You are a good, loyal friend. You wear your heart on your sleeve. I think you're an honest person. It has been a pleasure to serve with you.

Secondly, I want to thank my staff: Mark Langgin and Brian Meyer. And, I also want to thank Bonnie, you've been a great Page, I hope it has been a good experience for you.

I would like to thank all the staff in the Speakers office. They have been fantastic to work with and also Chief Clerk Mark Brandsgard and all of your staff, as well as Paulee Lipsman and the caucus staff. Thank you all very much for all your work.

It may surprise you to believe that I have a somewhat different take on this legislative session. Perhaps slightly more up beat. I think this has been an historic session. And I think these last two years will go down as one of the best general assemblies ever, in the history of Iowa. Let me tell you why I think that is the case.

When House Democrats first came into power, about a year and a half ago, we said that we were going to try to work in a bi-partisan way and we were going to be a party that would govern from the mainstream, not the extreme. I think we have done just that - and middle class families are better off now as a result.

Because we have made, for the first time in a long time, some historic commitments to people. And we have maintained those commitments.

Unlike past legislatures that have abandoned those commitments when the belt needs to be tightened...and we did have a tightened belt budget here this year, but we maintained the commitments we started to education, 42nd in the country to 25th in teacher pay. Lowest tuition increase of the public universities in a quarter of a century.

Health care, 17,000 more Iowans have health care than last year, 10,000 of them children.

And the start of a major commitment to a renewable energy, last year we became, for the first time, a net exporter in energy. We exported more energy than we imported...
in foreign oil. We are on our way over the next quarter century to be energy independent. We have the largest surplus in our bank accounts in the history of Iowa. That’s an investment in people.

We have thought outside of the box and implemented programs that started last year to create jobs. Through economic development programs we have companies such as Sensor in Elkader, Iowa that look to hire, moving forward hundreds of employees creating accelerometers - motion detectors.

Thanks to the work of Representative Mark Davitt and others the film bill and now Grasshorse Entertainment is moving their entire national headquarters from California to Iowa. We have wind turbine companies coming here. We will have high wage, high tech jobs moving forward because of our economic development strategies and our focus on renewable energy technologies. We did those in a bipartisan way.

During this session, we also passed historic public health legislation. 99.9 per cent of all public health places will be smoke free. That has been a cultural shift and I said this before, I remember coming in for a tour of the Capitol as a child and everyone in the House smoked. Everyone in the Senate smoked, and everyone in the rotunda smoked. And I remember looking up to see that wonderful dome and I really couldn’t because it was full of smoke. Who would believe that three decades later that would seem strange to look back and have that sort of environment. With the culture changing regarding smoke free places as well. I believe looking back a few years from now this will be the year that one of the single biggest public health measures ever passed in the history of Iowa. We will wonder why we ever waited this long. Both Democrats and Republican who helped pass that historic piece of legislation. Lives will be saved as a result.

The beginning of this legislative session seven Republicans and seven Democrats co-sponsored SILO legislation for school infrastructure and property tax equity. The SILO bill brings needed help to rural Iowa and will generate nearly one billion dollars in property tax relief moving forward. Thank you to the representatives that helped make that pass and to the seventeen republicans that voted yes on final passage. Representatives Mike Reasoner and Roger Wendt, you worked tirelessly with Representative Kaufmann and Representative Dolecheck to pass this historic legislation. It will create equity and funding for our students throughout the state. Thank you very much.

I would also like to thank Representatives Tomenga, Representative Hoffman, Representative Upmeyer for their work with Representative Foege, Representative Abdul-Samad, Representative Heddens and Representative Smith on health care reform issues. Because of their bi-partisan work, Iowa is on the path toward universal, affordable health care and coverage for all Iowa children.

I am going to end there because it is getting late. I just want to say that it has been a pleasure to serve with all of you. I have great friends here on both sides of the isle. I think we do work in a bi-partisan way. In the end the majority party does have to govern, and we have to do the heavy lifting and I know because we have been on the other side of that majority party status, been in the minority and know what that is like as well. But, we do bi-partisan work and when we do it I think we are better for it. I think Iowa is a better place for the work we did this year. So, it has been a
pleasure serving will all of you and it has been an honor to serve as majority leader of this great house. Thank you.

**REMARKS BY SPEAKER MURPHY**

Speaker Murphy offered the following remarks:

I want to thank everybody in this chamber for the opportunity to be the Speaker of the House. I want to thank all of the House members, the Democrats and Republicans. This is a very unique job. Representative Rants said to me when you get into leadership, especially when you become Speaker, there are things that are unique that you don't know until you're in the job. The one thing I will guarantee and tell all of you though is I do sleep well every night because I am exhausted every night I go home, especially tonight.

I also want to thank Governor Culver and Lt. Governor Judge. They have been excellent to work with both last year and this year. I think the relationship that we have developed has made it possible to get a lot of legislation done. They have worked very much with us in as much of a bi-partisan fashion as possible so that we could move the state forward.

I also want to thank the Senate. Yes, there is a House member thanking the Senate. Senator Mike Gronstal has been an excellent person to work with and the Senators in the Senate have been very respectful of us in trying to work to move legislation forward and it has been very nice to work with them.

I would also like to mention Representative McCarthy as well. I feel like we have had an excellent relationship over the last year and a half to do the things that we need to and I appreciate all the support and backing that you have given me over the last eighteen months. I would not have been able to get much done without your help. But then I also need to talk about the people here in the well who make everything go so well and so easy. They are working diligently here all the time when we are doing amendments and bills and nobody ever notices the team that Mark has put together that does the excellent job.

I wouldn't be able to say enough thank you's to the people in my office this year. Especially Carolyn, Ed, Dean, and Sabrina. They have done an excellent job of doing everything that needs to be done and getting me in the places that I need to be and getting me to say and do the things that I need to get through the day.

I also would like to thank all the Pages this year. This has been an excellent class, as Representative Rants has mentioned. They have been a good group, they seem to work well together and when I have had the few opportunities to talk to many of them it is obvious that we have a very successful class. Hopefully, you have learned some good things from us because I think a number of you will someday be in this chamber or somewhere else leading people in many different walks of life. And when I hear how well many of you are doing in school I see a bright future for Iowa.
I would like to talk a little bit lastly about the LSA staff. They work quietly around here. They fix all of our mistakes. When we make a mistake, they come up quietly and fix it for us and nobody ever knows the difference. Denny Prouty has done an excellent job with the LSA staff making sure that we get everything that we need. The only time you see them slow down is when we get in a rush to adjourn, though we actually have to wait for amendments and bills. It is a very professional staff; they really do make all of us look good and we should feel very proud of the job they do for the State of Iowa.

I also want to thank our caucus staff. I am not going to mention names because I know I won’t remember all of them off the top of my head. But, I do appreciate and the caucus does appreciate everything that you do for us. I will argue with Representative Rants and debate him on the issue of who has the best staff. But, I think that we have the best staff.

I would like to talk a little bit about our legislative session and some of the things we talked about coming into it. We feel very good about what we have done both last year and this year. We talked about a plan for prosperity. Focusing on education from pre-school through college. We focused on making Iowa a green state, renewable fuels, creating the Power Fund, rewarding hard work. We added 16 points to that plan and we came in with the goal of trying to implement all 16 of them. And we felt like we did a very good job by implementing 15 of those 16 and continuing to fund those programs this year. We also feel very proud of the job we’ve done managing the budget. We have a balanced budget that funds the programs that we feel supports middle class families and we have also filled all of our cash reserves to record levels.

We have done a good job of putting money back into the Senior Living Trust Fund. But along with that we also address the needs of Iowans. Needless to say we all got the opportunity to drive back and forth to Des Moines here through one of the roughest winters that I can remember in the last twenty or thirty years. We were able to pass a TIME-21 bill that will put one hundred and thirty eight million dollars per year into that fund by the year 2012. We also addressed here today some of our aging prison needs so that we can make sure that we improve public safety.

We did a lot of bi-partisan things too. Representative McCarthy talked about that. The SILO bill was probably an excellent example of where Democrats and Republicans worked together. Not all Democrats were for it and not all Republicans were for it. But we made the decision to move forward in trying to address infrastructure needs for our schools throughout the state regardless of whether they were urban or rural. We also put tax relief in that package. We might not have ended up doing our sixteen points of our plan for prosperity, but we ended up doing property tax relief in that SILO bill so that we could address some property tax equity issues for education.

Along with that, this year the federal government passed a federal stimulus package and we made sure that Iowans got to keep whatever came to this state and that there wouldn’t be any taxes from the State of Iowa on the money that they would collect. And hopefully, we will collect it soon.

We focused on education again this year. Focusing on preschool; focusing on K-12 education; focusing on making sure that we have the best education in the state and that we rewarded our teachers’ hard work.
Along with that we also looked at a number of other things, making Iowa a healthy place. As Representative McCarthy knows, we talked about what we could do to improve people’s health and doing the statewide smoking ban protects 99 per cent of all Iowa workers from second hand smoke.

We also passed a bill today that will help insure that within the next three years the forty-four thousand kids that currently don’t have health insurance in this state will have access to health insurance. This might make Iowa the first state in the nation to say that we really value our kids in health and education.

We also passed legislation this year on HPV, making sure that we help find a link and cure for cancer and we passed a healthy kids act today as well. To help fight childhood obesity and to promote wellness.

Again, we continue to work at making Iowa a green state. Doing the second year of the Power Fund, passing the surface water protection act. We also took the REAP program and got it up to eighteen million dollars. That is the highest level that REAP has been at in 16 years. And, hopefully, within the next two years we will be fully funding REAP at twenty-million dollars a year.

We also focused on what we could do to create economic opportunities for Iowans. We established a new River Enhancement Community Attraction and Tourism program, or RECAT as it is known. We also made sure that we funded our workforce development centers. So if you are a person looking for a job, it doesn't matter if you are in Kossuth County or in Dubuque. You know that a workforce development center is near and that they can help you identify a job so that you can keep working.

We also focused on some tax breaks for small businesses. When we did the federal stimulus package, nine-hundred thousand dollars was targeted toward small business. And we established a four-hundred and fifty thousand dollar microenterprise development program.

But, most importantly, I think back to a year ago, when I gave my closing night address here. I talked about Representative Ray Zirkelbach who wasn’t here. What we did to make Iowa a green state is to really focus on what we can do to cure some of our country’s ills by cutting down our dependency on foreign oil. And one of the things that we did this year with him returning and chairing the Veterans Affairs Committee was put a huge focus on Iowa’s veterans. Making sure that their jobs are protected when they come back from the National Guard and from reserve duty. We found a three-million dollar annual funding source for the Veterans Trust Fund. This is the first time that we have had guaranteed funding going into the Veteran’s Trust Fund and we assured that every county will have a veteran's affairs office to address their needs.

I feel like we have tried to work in a bi-partisan fashion and to put Iowans’ needs first. It is not a case of Democrats winning or Republicans winning. It is about Iowa winning and putting Iowans first. I feel like we have focused on an agenda that does that and I hope that the work that we have done last year and this year will be recognized in the future. As Representative McCarthy pointed out, we will continue to build upon the quality that we have in this state which is based on Iowa’s strong education system, having health care accessible to as many as possible, and guaranteeing a vital rural economy and helping it grow by making Iowa a green state.
But, I have spoken enough. It is time for us to get back to our families. It is time for us to focus on other parts of our lives and it is time for us to see if the work we did is the right kind of work. So, again, I thank you for giving me this opportunity to be the Speaker of the House and it has been a wonderful opportunity. But at the same time, I want to go home and make sure I get some windows in for my wife that I told her I would do last December, which are still not done.

I thank you all and may God bless all of you and have a good summer and fall.

Thank you

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 26, 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 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.

    Also: That the Senate has on April 26, 2008, adopted the following resolution in which the concurrence of the House is asked:

    Senate Concurrent Resolution 106, a Senate Concurrent Resolution to provide for adjournment sine die.

MICHAEL E. MARSHALL, Secretary

ADOPITION OF SENATE CONCURRENT RESOLUTION 106

McCarthy of Polk asked and received unanimous consent for the immediate consideration of the following Senate Concurrent Resolution 106, and moved it’s adoption.

1 SENATE CONCURRENT RESOLUTION 106
2 By: Committee on Rules and Administration
3 A Senate Concurrent Resolution to provide for
4 adjournment sine die.
5 Be It Resolved By The Senate, The House Concurring,
6 That when adjournment is had on Saturday, April 26,
7 2008, it be the final adjournment of the 2008 Regular
8 Session of the Eighty-second General Assembly, and moved its adoption.
The motion prevailed and the resolution was adopted.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 25, 2008. Had I been present, I would have voted "aye" on the motion to suspend the rules to consider amendments H–8669, H–8670, H–8674, H–8680 and H–8688 to House File 2700. I would have voted “aye” on amendments H–8665 and H–8704 to House File 2700. I would have voted “nay” on amendment H–8705 to House File 2700 and on House File 2700.

ARNOLD of Lucas


MERTZ of Kossuth

I was necessarily absent from the House chamber on April 25, 2008. Had I been present, I would have voted "aye" on amendments H–8675 and H–8704 to House File 2700.

SCHICKEL of Cerro Gordo

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 28th day of April, 2008: House Files 2197, 2266, 2283, 2526, 2556, 2558, 2601, 2612, 2628 and 2668.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.
BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 25, 2008, he approved and transmitted to the Secretary of State the following bills:

House File 2310, an Act requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child’s parent, guardian, custodian, or other person responsible for the child’s care and child abuse.

House File 2450, an Act relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date.

House File 2555, an Act relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; the Iowa comprehensive health insurance association; workers’ compensation liability insurance; consolidation, merger, and reinsurance; licensing of insurance producers; cemetery and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date.

House File 2651, an Act relating to policies for the administration of highways and the regulation of motor vehicles and to deposits made by a county to the secondary road fund, physical ability tests required for firefighter applicants, and certain obligations guaranteed by highway funds including matters concerning utility facility relocation due to highway construction, the bid threshold for emergency highway repairs, providing for new collegiate motor vehicle registration plates and providing fees, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, penalties for speeding violations committed in road work zones, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles, drinking driver courses offered at state correctional facilities, establishment of benefited secondary road services districts, and the defeasance of petroleum underground storage tank fund bonds, and providing an effective date.

House File 2653, an Act relating to foreclosure consultants and foreclosure reconveyances, providing for criminal and civil penalties, and providing an effective date.
**Senate File 2161**, an Act providing for the establishment of a council on homelessness.

**Senate File 2276**, an Act relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

**Senate File 2350**, an Act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

**Senate File 2354**, an Act concerning the home ownership assistance program for members of the military.

**PRESENTATION OF VISITORS**

The Speaker announced that the following visitors were present in the House chamber:

Fourth grade students from Meeker Elementary School, Ames, Iowa, accompanied by Dr. Harold, Mrs. Mylenbusch and Mrs. Richey. By Wessel-Kroeschell of Story and Heddens of Story.

**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\3045 Jim and Marge Anderson, Clarinda – For celebrating their 60th wedding anniversary.

2008\3046 Clarence Lick, Muscatine – For celebrating his 80th birthday.

2008\3047 Morgan Krehbiel, Donnellson – For being a 2008 Iowa Academic All-State Team Honoree.

2008\3048 Robert Bergeson, Ames – For celebrating his 80th birthday.

2008\3049 James B. Morris Elementary School Kindergarten Students and Teachers, Des Moines – For being the only Des Moines area elementary school to participate in the Earth Day Grocery Bags Program.

2008\3050 Ina Dittmer, Milo – For celebrating her 90th birthday.
2008\3051 Bob and Joyce Reynolds, New Virginia – For celebrating their 50th wedding anniversary.

2008\3052 Don and Eunice Coffman, Winterset – For celebrating their 50th wedding anniversary.

2008\3053 Alex Debner, Jesup – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

2008\3054 Jack and Janet Perry, Ellsworth – For celebrating their 50th wedding anniversary.

RESOLUTIONS FILED

HCR 109, by McCarthy and Rants, a house concurrent resolution to provide for adjournment sine die.

Laid over under Rule 25.

HR 161, by Ford, a resolution urging the Iowa State Fair Board to seek greater diversity in its events and attractions.

Laid over under Rule 25.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 106, duly adopted, the day of April 25, 2008 having arrived, the Speaker of the House of Representative declare the 2008 Regular Session of the Eighty-second General Assembly adjourned sine die at 2:38 a.m.
SUPPLEMENT TO HOUSE JOURNAL

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 29th day of April, 2008: House Files 2663 and 2690.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

Also: 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 5th day of May, 2008: House Files 901, 2177, 2367, 2539, 2633, 2645, 2647, 2660, 2662, 2669, 2672, 2673, 2674, 2679, 2685, 2687, 2688, 2689, 2694, 2699 and 2700.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS APPROVED, VETOED, OR ITEM VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of the action of the Governor on the bills passed by the 2008 Regular Session of the Eighty-second General Assembly and which action was had subsequent to the date of final adjournment.

H.F. 901—Concerning the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit and providing for fees. Approved 5-12-08.

H.F. 2177—Relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license. Approved 5-10-08.
H.F. 2197—Recommending institutions of higher learning to provide students with specific textbook information. Approved 5-7-08.

H.F. 2266—Relating to the criminal offenses of eluding or attempting to elude a law enforcement vehicle and the possession of an incendiary or explosive device or material, and the regulation of explosives, and providing penalties. Approved 5-7-08.

H.F. 2283—Concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and including an effective date and retroactive applicability provision. Approved 5-5-08.

H.F. 2367—Relating to the tally of absentee votes by precinct at certain elections. Approved 5-10-08.

H.F. 2526—Relating to the disposition of school property. Approved 5-7-08.

H.F. 2539—Relating to health care reform including health care coverage intended for children and adults, health information technology, long-term living planning and patient autonomy in health care, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, disease prevention and wellness initiatives, health care transparency, health care access, the direct care workforce, making appropriations, and including effective date and applicability provisions. Approved 5-13-08.

H.F. 2556—Relating to the regulatory duties of the banking division of the department of commerce regarding banking, debt management, delayed deposit services, mortgage banking, and industrial loan companies, and providing penalties. Approved 5-10-08.

H.F. 2558—Relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance. Approved 5-7-08.

H.F. 2601—Providing for the state interagency Missouri river authority. Approved 5-7-08.

H.F. 2612—Relating to natural resources, including by providing for the powers and duties of the department’s director and natural resource commission, and the regulation of public lands, waters, and outdoor recreation, providing for fees, providing for penalties and making penalties applicable and providing an effective date. Approved 5-10-08.

H.F. 2628—Including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable. Approved 5-7-08.
H.F. 2633—Relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date. Approved 5-10-08.


H.F. 2647—Relating to and making appropriations to the judicial branch. Approved 5-10-08.

H.F. 2660—Relating to and making appropriations to the justice system. Approved 5-9-08 with the exception of Section 21. See Governor’s Item Veto Message.

H.F. 2662—Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection. Approved 5-13-08.

H.F. 2663—Relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal, providing property tax relief, providing for the reduction in the state sales and use tax, providing a penalty, and including an effective date provision. Approved 5-6-08.

H.F. 2668—Relating to the disposal and recycling of used oil filters. Approved 5-12-08.

H.F. 2669—Relating to the collection and recycling of mercury-added thermostats. Approved 5-12-08.

H.F. 2672—Relating to water use permit fees, creating a new water use permit fund, and making appropriations. Approved 5-10-08.

H.F. 2673—Relating to the inheritance tax on any interest in a qualified tuition plan. Approved 5-10-08.

H.F. 2674—Concerning appropriations to the office of grants enterprise management and including an effective date provision. Approved 5-10-08.

H.F. 2679—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. Approved 5-9-08 with the exception of Section 5, subsection 1, paragraph b. See Governor’s Item Veto Message.

H.F. 2685—Relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee. Approved 5-10-08.
H.F. 2687—Relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties. Approved 5-15-08.

H.F. 2688—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. Approved 5-15-08.

H.F. 2689—Relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing for tax credits, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, and providing for effective dates and applicability. Approved 5-12-08.

H.F. 2690—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. Approved 5-5-08.

H.F. 2694—Relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date. Approved 5-15-08.

H.F. 2699—Relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and providing effective dates. Approved 5-13-08.

H.F. 2700—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. Approved 5-15-08 with the exception of Section 12, Section 44, Section 45, the last sentence in Section 49, Section 50, Section 56, Section 98, Section 120, Section 126. See Governor’s Item Veto Message.

S.J.R. 2003—Authorizing the temporary use and consumption of alcoholic beverages on the State Capitol Complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date. Approved 5-7-08.

S.J.R. 2005—Authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation. Approved 5-7-08.
S.F. 517—Relating to the development, management, and efficient use of energy resources, making energy-related modifications to the state building code, setting fees, making appropriations, and providing an effective date. Approved 4-29-08.

S.F. 2124—Relating to income tax checkoffs and authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority and including a retroactive applicability date provision and providing an effective date. Approved 5-5-08.

S.F. 2132—Relating to notices regarding the disposition of seized property and providing an effective date. Approved 5-10-08.

S.F. 2134—Relating to veterans affairs by modifying training requirements, requiring executive directors and administrators to provide minimum hours of service in each county, specifying executive director, administrator, and employee duties, creating a county commission of veteran affairs training program, creating a county commissions of veteran affairs fund, providing an appropriation, concerning eligibility criteria for special gold star motor vehicle registration plates and providing an effective date. Approved 5-5-08.

S.F. 2160—Relating to employers' participation in unemployment insurance adjudications and unemployment insurance tax penalties, and providing an effective date. Approved 5-15-08.

S.F. 2203—Relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators. Approved 5-7-08.

S.F. 2216—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. Approved 5-1-08.

S.F. 2222—Relating to payment of wages. Approved 5-7-08.

S.F. 2303—Relating to workers’ compensation provisions for continued medically related benefits in certain settlements of workers’ compensation claims and to funding of the second injury fund and providing an effective date. Approved 5-7-08.

S.F. 2308—Relating to identity theft by providing for the notification of a breach in the security of personal information, requesting the establishment of an interim study committee relating to disclosure of personal information by public officials, entities, and affiliated organizations, and providing penalties. Approved 5-10-08.

S.F. 2321—Relating to the recycling of mercury-containing lamps by providing for a study. Approved 5-7-08.
S.F. 2337—Relating to the purchase of liability insurance and to self-insurance by association of Iowa fairs. Approved 5-7-08.

S.F. 2341—Relating to Alzheimer’s disease and similar forms of irreversible dementia. Approved 5-7-08.

S.F. 2348—Relating to the management of cooperative associations. Approved 5-7-08.

S.F. 2364—Related to the emancipation of a minor. Vetoed 5-15-08. See Governor’s Veto Message.

S.F. 2386—Relating to energy efficiency by establishing a commission on energy efficiency standards and practices, providing for the reporting of energy efficiency results and savings by gas and electric public utilities, specifying procedures for assessing potential energy and capacity savings and developing energy efficiency goals by gas and electric utilities not subject to rate regulation, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing for the establishment of an interim study committee to conduct an examination of energy efficiency plans and programs with an emphasis on the demand or customer perspective, and providing an effective date. Approved 5-6-08.

S.F. 2392—To regulate viatical settlements, and providing for fees and penalties. Approved 5-10-08.

S.F. 2394—Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date. Approved 5-13-08.

S.F. 2400—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 and retroactive applicability date. Approved 5-12-08 with the exception of Section 15, unnumbered paragraph 5. See Governor’s Item Veto Message.

S.F. 2405—Relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates. Approved 5-1-08.

S.F. 2406—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. Approved 5-10-08.

**S.F. 2413**
Relating to school budgets, including by providing for requests and applications submitted by school districts to the school budget review committee and documents submitted to other state agencies concerning school district finances, and providing an effective date. Approved 5-7-08.

**S.F. 2415**
Allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy. Approved 5-9-08.

**S.F. 2417**
Relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund and providing for the repeal of the Healthy Iowans Tobacco Trust, and providing effective dates. Approved 5-13-08 with the exception of Section 1, subsection 2, paragraph a, subparagraph (4), Section 1, subsection 2, paragraph b, subparagraphs (1) through (6). See Governor’s Item Veto Message.

**S.F. 2418**
Relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits. Approved 5-10-08.

**S.F. 2419**
Relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions. Approved 5-10-08.

**S.F. 2422**
Relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, authorizing repayment of audit expenses to the auditor of state, and providing an effective date and applicability provision. Approved 5-7-08.

**S.F. 2424**
Concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers’ retirement, accident, and disability system, the Iowa public employees’ retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates. Approved 5-15-08.

**S.F. 2428**
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 debt and tax collection practices and fees, 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. Approved 5-15-08.
S.F. 2429—Relating to budget requirements by certain small cities and providing an effective date. Approved 5-7-08.

S.F. 2430—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. Approved 4-29-08.

S.F. 2432—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 bond fund, and related matters, and providing effective and retroactive applicability date provisions. Approved 5-9-08 with the exception of Section 35. See Governor’s Item Veto Message.

GOVERNOR’S VETO MESSAGES

A copy of the following communication was received and placed on file:

May 15, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby disapprove and transmit to you House File 2645, an Act concerning public employee collective bargaining and teacher discipline, without my signature, in accordance with Article III, section 16 of the Constitution of the State of Iowa.

On January 15, 2008, when I delivered my Condition of the State address, I urged legislators to consider a number of reforms aimed at making Iowa a better place for its workers and managers. Included in the proposals I made at that time was the suggestion that members of the General Assembly openly debate labor-management issues. I said:

[F]or the benefit of working Iowans, I challenge you to try to find consensus, and to not be afraid to debate difficult issues, like, prevailing wage, independent contractor reform, choice of doctor, fair share, and the right to bargain matters like employee discipline and discharge.
This Administration stands ready to revise, amend and improve Iowa’s labor laws and strongly supports the principles of collective bargaining. When we do so, however, we must exert care to assure that such changes are achieved in ways that use normal legislative processes, truly reflecting the gravity and importance of the issues under consideration, and in ways that assure that the citizens who grant us the privilege of holding public office have every opportunity to weigh-in and have their voices heard.

House File 2645 is a bill that does not simply modify, but, rather, completely re-writes, both our public sector collective bargaining law under Iowa Code chapter 20, and the teacher discipline and discharge provisions under Iowa Code chapter 279.

In 1973, after years of statewide effort and public debate, and after countless public hearings convened by the House and Senate here in the capitol, a bill for a law known as the Iowa Public Employment Relations Act, now chapter 20 of the Iowa Code, was brought to the floor of the general assembly for a debate that would extend over a two-year period. In the second session, the Act came up for consideration as a special order of business. The debate lasted for twelve days. One hundred ninety-eight amendments were offered, fifty-eight of which were adopted in whole or in part.

In contrast to the process undertaken thirty years ago, the core principles that normally guide the legislative process—fair advance notice to the public of what laws we intend to change or create, citizen access to the lawmaking process, and minimizing taxpayer uncertainty as to economic effects of a law by drafting laws with clarity—were not sufficiently respected in the case of House File 2645.

The result is a poorly written bill with sometimes-ambiguous language that raises troubling, unanswered questions and unresolved uncertainties for management, labor and taxpayers alike. At the heart of the ambiguities is the “open scope” language of the bill, which does not define what is, and what is not, a part of the “other terms and conditions not already excluded,” that could be made subject to mandatory bargaining. As a result, if House File 2645 were to become law, the reasonably settled expectations of thirty years of practice under existing law would be placed at risk. The hybrid law—unlike that of any other state in the nation—consisting of a substantially lengthened “laundry list” of Iowa’s statutorily-based mandatory bargaining issues, combined with “open scope” language borrowed from the federal National Labor Relations Act, could result in an almost unlimited reach of mandatory bargaining topics, all of which could be made subject to binding arbitration upon impasse and which could potentially result in untold and unintended obligations resulting in substantial tax increases.

Similarly, the proposed changes to chapter 279 would make Iowa’s education law an outlier in a number of significant ways. No other state has abolished the probationary, “at-will” period of new teacher employment. No other state assigns teacher termination and disciplinary decisions to a third-party adjudicator, and then denies the right of the parties to appeal and judicial review. No other area of Iowa administrative law so severely limits the use of hearsay evidence in agency proceedings as is provided in House File 2645.

Iowans from all walks of life have registered their concerns about House File 2645, and we have listened to those concerns. In addition to the nearly 6,000 citizens who have offered their opinions in e-mails, letters and telephone calls, the Lt. Governor and
I, along with our senior staff members, have collectively engaged in more than thirty meetings with individuals representing labor and management and elected officials from all public sectors: state, county and city governments; school districts and community colleges; municipal utilities and rural water districts. Our office has sought and received the counsel of some of Iowa’s most experienced and respected public sector collective bargaining negotiators—from both the management and the public employee sides of the table.

That Iowans are concerned about the particular approach to change that House File 2645 represents does not mean that present laws should not be reformed. Indeed, in the course of our intensive review of this bill with stakeholders and citizens, we have become more convinced than ever before that, after full public debate and discussion, modifications to existing law under chapter 20 should be seriously considered to include additional areas of mandatory bargaining, such as discipline and discharge issues and matters related to worker safety.

Iowa’s public sector labor law now comprises a rich, complex fabric, woven of many threads, both visible and invisible, that reach from the dome of the state capitol to every corner of the state. A sudden pull on a single thread of any fabric, if one is not careful, may render more destruction to it than a tailor ever intended. So, too, care must be taken not to inflict unintended adverse harms in a rush to modify complex laws and practices.

After this careful review of the bill, we understand what is right, and what is wrong, with it. Some people had urged this Administration to stitch together a compromise agreement in the closing days of the legislative session. We determined, however, that there was no common thread of sufficient strength, no shared understanding of sufficient breadth, to patch this bill together in a new way that would satisfy stakeholders and protect taxpayers, alike.

Further, we were determined not to replace one flawed, rushed legislative process that largely excluded the public with another, essentially closed, negotiation process, in an effort to draft yet another substitute bill. Iowa taxpayers would understandably have been wary of any sudden compromise that appeared to have been merely the result of political expediency rather than the end product of a careful, principled, deliberative legislative review conducted in the full light of day.

For all these reasons, I hereby disapprove and transmit to you, without my signature, House File 2645, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Sincerely,
Chester J. Culver
Governor
The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L  

Dear Mr. Secretary:

I hereby transmit Senate File 2364, an Act related to the emancipation of a minor. Iowa is one of several states without a statutory emancipation process, although particular sections of the Code and common law provide for some aspects of emancipation. While I recognize the need to consider adding a statutory emancipation process to the Iowa Code, and I commend the legislature for addressing this important issue, I am unable to approve Senate File 2364.

Accordingly, I hereby disapprove and transmit to you, without my signature, Senate File 2364, an Act related to the emancipation of a minor, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2364 places the emancipation provisions in a little-used division of the juvenile justice chapter of the Code—Family in Need of Assistance Proceedings (FINA). FINA allows parents and children whose conflicts with each other have led to a breakdown of the familial relationship to seek assistance from the juvenile court. To allow emancipation of a minor in the context of a FINA proceeding is inconsistent with the intent of FINA proceedings. This point is illustrated by the fact that in order for an emancipation order to be entered, the court would have to make wholly inconsistent findings. To adjudicate the family to be a family in need of assistance, the court must find that there has been a breakdown in the family relationship, the family has sought services to maintain and improve the family relationship, and the court has at its disposal services for this purpose. However, to enter an emancipation order, the court must find “by clear and convincing evidence, that no remedy is available that would result in strengthening or maintaining the familial relationship.”

Perhaps the most troubling aspect of Senate File 2364 is the lack of criteria for the court to consider when making an emancipation decision. For example, the court need not determine that the minor is financially self-sufficient or able to maintain education or employment. The bill does not require the court to find that the minor clearly understands the risks and consequences of emancipation or even that emancipation is in the best interest of the minor. As a result, Senate File 2364 would allow parents in conflict with their minor child to seek emancipation of the child in order to evade financial responsibility for the child. Once an emancipation order is entered, the court has no continuing jurisdiction; therefore, there is no apparent remedy if the emancipated minor is unable to support himself or herself.

For the above reasons, I hereby respectfully disapprove Senate File 2364.

Sincerely,

Chester J. Culver  
Governor
GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communication was received and placed on file:

May 9, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2660, an Act relating to and making appropriations to the justice system. House File 2660 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve Section 21 in its entirety. This section requires payment of a filing fee for all persons seeking post-conviction relief under Code Chapter 822.

Post-conviction relief actions may be brought based on various legal grounds, including challenges to convictions with constitutional and statutory implications and challenges to prison discipline, which may be less substantial. By requiring a filing fee in every case, this legislation could eliminate a small number of potentially frivolous lawsuits challenging, for instance, prison discipline, but would have a chilling effect on those indigent persons unjustly convicted whose only recourse may be post-conviction relief.

The potential diminishment such persons’ fundamental right of access to our courts is of special concern to this Administration, in light of the disturbing fact that our State is now stung with an unfortunate reputation for incarcerating a higher percentage of our minority citizens than any other state in our nation.

While it may be true that most people who file for post-conviction relief are incarcerated, are most likely indigent and may be able to have the filing fees waived, it is also the case that obtaining such a waiver comes with a cost both in court-time, necessary to consider the application to proceed without paying the filing fee, and in indigent defense costs, arising from fees payable to a court-appointed attorney for preparing the papers to obtain the filing fee waiver.

While this Administration is intolerant of frivolous lawsuits, it is also of the belief that the serious costs and consequences in denying or inhibiting court access to those who are wrongfully convicted or incarcerated far out-weigh the benefits derived from any potential reduction in the number of frivolous lawsuits that this provision may well have been aimed to achieve.
For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2660 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 9, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2679, 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. House File 2679 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the designated portion of section 5, subsection 1, paragraph b, of this bill. This paragraph specifies that the Department of Education will allocate 10 full-time equivalent positions to support management of the community college management information system, expansion of the State Board of Education’s model core curriculum, development and implementation of strategic educational goals, collection and dissemination of resources related to the human growth and development curriculum, district sharing purposes, and the senior year plus program study.

This language was added to last year’s appropriations bill for the Department of Education to correspond with the addition of new staff to perform the above-referenced functions. The Department of Education is currently performing all of the functions identified in the bill and understands that they are responsible to provide staff to support these purposes within the full-time equivalent limit assigned by the legislature. Therefore, this language is unnecessary, and, consistent with efforts to eliminate extraneous bill language, I am unable to approve it.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2679 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor
The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2700, 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. House File 2700 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 12 of House File 2700 in its entirety. This language increases the annual salary rate of the elective executive officials of the State, including the governor, lieutenant governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state. As Iowans struggle to cope with rising costs and economic uncertainties, this is not the time to increase the salaries of the elected statewide officers of the State.

I am unable to approve Section 44 of House File 2700 in its entirety because this language provides an opportunity for only five active members of the Peace Officers’ Retirement System (PORS) to receive undeserved special treatment that will be costly to Iowa taxpayers. Section 44 provides this small group of individuals the opportunity to purchase service for years of employment while at a city fire or police department prior to July 1, 1992. Those who would benefit from this section and Section 98 (see below) of House File 2700 had an opportunity to purchase this service from July 1, 2006 to July 1, 2007 and did not take advantage of this opportunity. In one case, an individual would receive an estimated $33,000 annual increase in benefits. Overall, the unearned benefits for these five individuals could be as high as $1.8 million. This action could establish a worrisome precedent for creating special carve-outs from our pension funds for small groups of employees.

I am unable to approve Section 45 of House File 2700 in its entirety because the section would reduce professional standards of the recently established statewide electrician licensing program. This language would require the Electrical Examining Board to adopt rules to create a specially designated license for those individuals who held a locally issued electrician license obtained by passing an examination not approved by the Board for purposes of granting a state Class A license. I am concerned that grandfathering in more electricians who cannot meet the established Class A license requirements creates a public safety concern. I encourage the Electrical Examining Board to take steps to make the examination process more accessible at the local level.

I am unable to approve the designated item of the last sentence in Section 49 of House File 2700. This proposed language requires that five members of the Hospital Licensing Board shall possess recognized ability in the field of hospital administration and one member shall represent the general public. We need more public
representation on the Hospital Licensing Board in order to reduce the inherent conflict of interest that members representing the hospital industry face and in order to provide greater voice for the consumers regarding licensing rules that directly affect hospital care.

I am unable to approve Section 50 of this bill in its entirety because state law has no jurisdiction over Federal regulatory actions. This section imposes timeline and procedural requirements that are in conflict with the Federal survey and certification processes for health care facilities. Even if this language only affected state requirements, the proposed timelines would have a significant fiscal impact on the Department of Inspections and Appeals and are unreasonable.

I am unable to approve Section 56 of House File 2700 in its entirety because the proposed timelines are unreasonable. This language would reduce the timeframe for reporting findings to an assisted living program from the current 20 working days to 10 working days. It would run counter to unannounced evaluations and make it impossible to ensure accurate compliance evaluations, which help protect the welfare of Iowans living in assisted living facilities.

I am unable to approve Section 98 of House File 2700 in its entirety. This section, which is related to the above-referenced Section 44, creates an unlimited appropriation from the General Fund to credit PORS for the amount of lost contributions to the Municipal System plus interest for this select group of individuals. As I have item vetoed Section 44, this section is no longer necessary.

I am unable to approve Sections 120 and 126 in their entireties. These sections provide corrective language to House File 2645, the collective bargaining bill. Since I have already vetoed House File 2645, these sections are no longer necessary.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2700 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 12, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building

Dear Mr. Secretary:

I hereby transmit Senate File 2400, 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 and retroactive applicability date. Senate File 2400 is approved on this date, with the exception noted below, which I hereby disapprove.
I am unable to approve the designated portion of Section 15, unnumbered paragraph 5, in its entirety. This paragraph directs the Department of Management to include in its budget request funding for the salaries of the director and assistant director of the Tim Shields Center for Governing Excellence in Iowa and also requires the Governor to include such funding in his budget recommendation for Fiscal Year 2010. While I strongly support efforts to improve innovation in our state and local governments, this language requires an Executive Branch department to provide funding by a pass-through appropriation for yet-to-be-determined non-Executive Branch positions. Further, the proposed language is premature until the Local Government Innovation Commission determines where the Tim Shields Center for Governing Excellence in Iowa will be located. My understanding is that the Commission will be asking for proposals this fall and making a recommendation on awarding a contract and funding later this calendar year. I look forward to reviewing the work of the Local Government Innovation Commission and will seriously consider any proposals that are made.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2400 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 13, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2417, an Act relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund and providing for the repeal of the Healthy Iowans Tobacco Trust, and providing effective dates. Senate File 2417 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve item designated as Section 1, subsection 2, paragraph a, subparagraph (4) in its entirety. This designated language continues general language on substance abuse treatment expenditures. These directives are already in place, and, therefore, this language is unnecessary.

Finally, I am unable to approve item designated as Section 1, subsection 2, paragraph b, subparagraphs (1) through (6) in their entireties. This designated language continues general language on substance abuse treatment expenditures. These directives are in place, and, therefore, this annual report language is unnecessary.

These actions of disapproval are consistent with efforts to remove extraneous bill language.
For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2417 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 9, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2432, 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 bond fund, and related matters, and providing effective and retroactive applicability date provisions. Senate File 2432 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve section 35 of this bill in its entirety. This section changes the due date of the Public Transit Funding Study report called for in Senate File 2420 that the Department of Transportation must submit to the Governor and General Assembly from December 1, 2009 to December 31, 2008. The shortened deadline does not provide adequate time to conduct an effective and comprehensive study that will assure the provision of useful data and meaningful recommendations. This disapproval action will provide the Department of Transportation with adequate time to complete this statewide study by maintaining the original deadline of December 1, 2009.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2432 are hereby approved this date.

Sincerely,
Chester J. Culver
Governor