

PROOF

STATE OF IOWA

House Journal

THURSDAY, MARCH 18, 2010

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(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day - Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 18, 2010

The House met pursuant to adjournment at 9:13 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Marcus Badgley, pastor of St. John's Lutheran Church, Madrid. He was the guest of Representative Lisa Heddens of Story County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mekayla Prendergast, granddaughter of Ruth Vander Linden, secretary of Representative Betty De Boef of Keokuk County.

The Journal of Wednesday, March 17, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wendt of Woodbury on request of McCarthy of Polk.

MESSAGE 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 March 17, 2010, amended the House amendment, concurred in the House amendment as amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2274](#), a bill for an act relating to certain national security and military education benefits and programs.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

[Senate File 2380](#), by committee on ways and means, a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

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

On motion by McCarthy of Polk, the House was recessed at 9:26 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:27 p.m., Wessel-Kroeschell of Story in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2370](#), a bill for an act relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations.

Also: That the Senate has on March 18, 2010, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2459](#), a bill for an act establishing a watershed planning advisory council.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS
Appropriations Calendar

[House File 2526](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective,

retroactive, and applicability date provisions, was taken up for consideration.

Heddens of Story offered amendment [H-8459](#) filed by her from the floor as follows:

[H-8459](#)

- 1 Amend [House File 2526](#) as follows:
- 2 1. Page 2, line 21, by striking <\$129,961> and
- 3 inserting <\$179,964>
- 4 2. Page 5, line 13, by striking <2,693,467> and
- 5 inserting <2,710,062>
- 6 3. Page 6, line 1, by striking <\$171,295> and
- 7 inserting <\$187,890>
- 8 4. Page 6, line 17, by striking <3,688,908> and
- 9 inserting <3,522,313>
- 10 5. Page 6, line 18, by striking <3.00> and
- 11 inserting <4.10>
- 12 6. Page 6, line 23, by striking <\$388,682> and
- 13 inserting <\$416,682>
- 14 7. Page 6, line 30, by striking <\$489,085> and
- 15 inserting <\$489,868>
- 16 8. Page 7, after line 11 by inserting:
- 17 <h. Of the funds appropriated in this subsection,
- 18 \$528,834 shall be used for the center for congenital
- 19 and inherited disorders central registry under section
- 20 144.13A, subsection 4, paragraph "a".
- 21 i. Of the funds appropriated in this subsection,
- 22 \$149,612 shall be used for the prescription drug
- 23 donation repository program created in chapter 135M.>
- 24 9. By striking page 9, line 33, through page 10,
- 25 line 9, and inserting <to assist in the continued
- 26 implementation.
- 27 (2) It is the intent of the general assembly that
- 28 a board of direct care workers shall be established
- 29 within the department of public health by July 1, 2014,
- 30 contingent upon the availability of funds to establish
- 31 and maintain the board.
- 32 (3) The direct care worker advisory council shall
- 33 submit an interim progress report no later than March
- 34 1, 2011, and a final report no later than March 1,
- 35 2012, to the governor and the general assembly, that
- 36 includes but is not limited to all of the following:
- 37 (a) Documenting the size of the direct care
- 38 workforce. The report shall provide the best estimates
- 39 of the size of the direct care workforce in Iowa by
- 40 identifying what workforce data is currently being
- 41 collected, who is currently collecting the data, the
- 42 gaps in existing data, and the collection methods

43 necessary to address such gaps.

44 (b) Identifying the information management system
45 required to facilitate credentialing of direct care
46 workers and estimating the costs of development and
47 maintenance of the system.

48 (c) Reporting the results of any pilot relating
49 to and evaluating the recommendations of the advisory
50 council that address direct care worker training and

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1 curricula.

2 (d) Describing activities relating to developing
3 and delivering an education and outreach campaign to
4 direct care workers and other stakeholders regarding
5 strategies to increase the professionalism of the
6 direct care workforce. The goals of such education
7 and outreach campaign are to bring greater stability
8 to the workforce and meet the needs of direct care
9 workers that exist due to the growth in Iowa's aging
10 and persons with disabilities populations.

11 (e) Making recommendations regarding the functions
12 and composition of the board of direct care workers,
13 the definitions of and categories for credentialing
14 direct care workers, for deeming the experience
15 level of members of the existing workforce to be
16 the equivalent of other credentials, the form
17 of credentialing to be used, the timeframe for
18 credentialing of direct care workers, and the estimated
19 costs of establishing and maintaining board operations
20 and the methods to be used to fund and sustain such
21 operations.

22 (4) The department of public health shall report to
23 the persons designated in this Act for submission of
24 reports regarding use of the funds allocated in this
25 lettered paragraph, on or before January 15, 2011.>

26 10. Page 10, by striking lines 16 through 18 and
27 inserting:

28 <(2) Of the funds appropriated in this subsection,
29 \$63,000 shall be used to provide scholarships or other
30 forms of subsidized direct care worker educational
31 conferences, training, or outreach activities.>

32 11. Page 15, by striking line 20 and inserting <The
33 funds appropriated in this subsection>

34 12. Page 17, line 3, after <13.> by inserting <a.>

35 13. Page 17, by striking lines 16 through 24 and
36 inserting <be used in the following priority order:
37 continuation of the grant addressed in paragraph "b",
38 the family investment program for the fiscal year, and
39 for state child care assistance program payments for
40 individuals enrolled in the family investment program
41 who are employed. The federal funds appropriated

42 in this paragraph "a" shall be expended only after
43 all other funds appropriated in subsection 1 for the
44 assistance under the family investment program under
45 chapter 239B have been expended.
46 b. (1) Of the funds appropriated in paragraph
47 "a", \$200,000 shall be used for continuation of a
48 grant to an Iowa-based nonprofit organization with a
49 history of providing tax preparation assistance to
50 low-income Iowans in order to expand the usage of the

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1 earned income tax credit. The purpose of the grant is
2 to supply this assistance to underserved areas of the
3 state. The grant shall be provided to an organization
4 that has existing national foundation support for
5 supplying such assistance that can also secure local
6 charitable match funding.

7 (2) The general assembly supports efforts by the
8 organization receiving funding under this lettered
9 paragraph to create a statewide earned income tax
10 credit and asset-building coalition to achieve both of
11 the following purposes:

12 (a) Expanding the usage of the tax credit through
13 new and enhanced outreach and marketing strategies,
14 as well as identifying new local sites and human and
15 financial resources.

16 (b) Assessing and recommending various strategies
17 for Iowans to develop assets through savings,
18 individual development accounts, financial literacy,
19 antipredatory lending initiatives, informed home
20 ownership, use of various forms of support for work,
21 and microenterprise business development targeted to
22 persons who are self-employed or have fewer than five
23 employees.>

24 14. Page 17, line 25, by striking <b.> and
25 inserting <c.>

26 15. Page 17, by striking lines 29 through 32 and
27 inserting:

28 <d. (1) To the extent other federal funding is not
29 available for summer youth programs administered by
30 the department of workforce development and provided
31 the match requirement is met through the employment
32 programs, in addition to the amount appropriated in
33 paragraph "a", funding is appropriated from the same
34 source and for the same fiscal year addressed in
35 paragraph "a", to the department of human services
36 to be used for summer youth employment programs
37 administered by the department of workforce development
38 for the fiscal year beginning July 1, 2010, in
39 accordance with the requirements of this lettered
40 paragraph.>

41 16. Page 23, line 14, by striking <11,827,414> and
 42 inserting <11,877,414>
 43 17. Page 30, after line 26 by inserting:
 44 <__. The department of human services shall
 45 convene a workgroup with the department of inspections
 46 and appeals, county central point of coordination
 47 administrators, affected service providers, and
 48 other appropriate interests in reviewing the various
 49 regulatory requirements applicable to providers of
 50 mental health and disability services paid under

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1 this and other appropriations. The review shall
 2 encompass federal, state, and professional requirements
 3 applicable to the providers. The workgroup shall
 4 identify opportunities for streamlining regulatory
 5 requirements, increasing public access to cost,
 6 quality, and outcomes information within the system,
 7 and increasing compliance with applicable federal
 8 health, safety, and accountability provisions. The
 9 workgroup shall hold two meetings and submit a report
 10 on or before December 15, 2010, to the persons
 11 designated by this Act for submission of reports.>

12 18. Page 35, after line 29 by inserting:
 13 <Sec. __. EDUCATIONAL EXPENSES AT
 14 INSTITUTIONS. There is appropriated from the
 15 general fund of the state to the department of human
 16 services for the fiscal year beginning July 1, 2010,
 17 and ending June 30, 2011, the following amount, or
 18 so much thereof as is necessary, to be used for the
 19 purposes designated:
 20 For distribution to licensed classroom teachers at
 21 institutions under the control of the department of
 22 human services based upon the average student yearly
 23 enrollment at each institution as determined by the
 24 department of human services:
 25 \$ 103,950>>

26 19. Page 41, line 27, by striking <\$300,000> and
 27 inserting <\$925,306>

28 20. Page 44, line 33, after <services.> by
 29 inserting <As part of the review, the department
 30 shall consult with stakeholders concerning developing
 31 subacute mental health care options at the institutes.>

32 21. Page 50, line 6, by striking <53,107,624> and
 33 inserting <53,207,624>

34 22. Page 51, by striking lines 12 through 15 and
 35 inserting <the director of the Iowa plan, the executive
 36 director of the coalition of family and children's
 37 services in Iowa, three remedial services providers
 38 designated by the executive director of the coalition,
 39 and a>

40 23. Page 53, lines 14 and 15, by striking
 41 <independent laboratories,>
 42 24. Page 53, after line 18 by inserting:
 43 dd. For the fiscal year beginning July 1, 2010,
 44 independent laboratories shall be reimbursed using the
 45 same methodology in effect on June 30, 2010.
 46 25. Page 54, line 1, after <249A.31> by inserting
 47 <subject to the rate limitations specified in executive
 48 order number 19 issued October 8, 2009>
 49 26. Page 54, line 26, by striking <semiannual> and
 50 inserting <annual>

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1 27. Page 59, by striking line 25 and inserting:
 2 <TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
 3 QUALITY ASSURANCE TRUST FUND, AND UNDERGROUND STORAGE
 4 TANK FUND>
 5 28. Page 62, line 7, by striking <To> and inserting
 6 <Notwithstanding any provision of law to the contrary,
 7 to>
 8 29. Page 64, line 6, by striking <college of
 9 medicine> and inserting <physicians faculty practice
 10 plan>
 11 30. Page 66, after line 19 by inserting:
 12 <Notwithstanding any provision of law to the
 13 contrary, the amount appropriated in this subsection
 14 shall be distributed based on claims submitted,
 15 adjudicated, and paid by the Iowa Medicaid enterprise.
 16 Once the entire amount appropriated in this subsection
 17 has been distributed, claims shall continue to
 18 be submitted and adjudicated by the Iowa Medicaid
 19 enterprise; however, no payment shall be made based
 20 upon such claims.>
 21 31. Page 68, after line 19 by inserting:
 22 <Sec. ____ QUALITY ASSURANCE TRUST FUND –
 23 DEPARTMENT OF HUMAN SERVICES. Notwithstanding
 24 any provision to the contrary and subject to the
 25 availability of funds, there is appropriated from the
 26 quality assurance trust fund created in section 249L.4
 27 to the department of human services for the fiscal year
 28 beginning July 1, 2010, and ending June 30, 2011, the
 29 following amounts, or so much thereof as is necessary
 30 for the purposes designated:
 31 To supplement the appropriation made in this Act
 32 from the general fund of the state to the department of
 33 human services for medical assistance:
 34 \$ 8,500,000
 35 1. Funds appropriated in this section shall be used
 36 for nursing facility reimbursement under the medical
 37 assistance program in accordance with the nursing
 38 facility reimbursement provisions of division IV of

39 this Act, to continue application of the administrative
 40 rules changes relating to nursing facility
 41 reimbursement and payment procedures made pursuant to
 42 2010 Iowa Acts, [Senate File 2366](#), if enacted, for the
 43 fiscal year beginning July 1, 2010, and ending June
 44 30, 2011, and to restore the 5 percent reduction made
 45 in nursing facility reimbursement in accordance with
 46 executive order number 19 issued October 8, 2009.
 47 2. The costs associated with the implementation of
 48 this section shall be funded exclusively through moneys
 49 appropriated from the quality assurance trust fund,
 50 and shall result in budget neutrality to the general

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1 fund of the state for the fiscal year beginning July 1,
 2 2010, and ending June 30, 2011.
 3 Sec. __. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND
 4 STORAGE TANK FUND. There is appropriated from the Iowa
 5 comprehensive petroleum underground storage tank fund
 6 created in section 455G.3 to the following designated
 7 departments for the fiscal year beginning July 1, 2010,
 8 and ending June 30, 2011, the following amounts, or
 9 so much thereof as is necessary, to be used for the
 10 purposes designated, notwithstanding section 455G.3,
 11 subsection 1:
 12 1. To the department of public health for:
 13 a. Addictive disorders:
 14 \$ 500,000
 15 The funds appropriated in this paragraph shall be
 16 used for substance abuse treatment and prevention.
 17 b. Chronic conditions:
 18 \$ 35,000
 19 (1) Of the funds appropriated in this paragraph,
 20 \$20,000 shall be used for grants to individual patients
 21 who have phenylketonuria (PKU) to assist with the costs
 22 of necessary special foods.
 23 (2) Of the funds appropriated in this paragraph
 24 \$15,000 shall be used for child health specialty
 25 clinics.
 26 c. Public protection:
 27 \$ 100,000
 28 Of the funds appropriated in this paragraph,
 29 \$100,000 shall be used for the state poison control
 30 center.
 31 2. To the department of human services for:
 32 a. Child and family services:
 33 \$ 925,000
 34 (1) Of the funds appropriated in this paragraph,
 35 \$600,000 shall be used for the purposes of juvenile
 36 delinquent graduated sanction services.
 37 (2) Of the funds appropriated in this paragraph,

38 \$200,000 shall be allocated to a county with a
 39 population of more than 300,000 to be used for
 40 continuation of a grant to support child care center
 41 services provided to children with mental, physical,
 42 or emotional challenges in order for the children to
 43 remain in a home or family setting.

44 (3) Of the funds appropriated in this paragraph,
 45 \$25,000 shall be used for the public purpose of
 46 providing a grant to a child welfare services provider
 47 headquartered in a county with a population between
 48 189,000 and 196,000 in the latest preceding certified
 49 federal census that provides multiple services
 50 including but not limited to a psychiatric medical

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1 institution for children, shelter, residential
 2 treatment, after school programs, school-based
 3 programming, and an Asperger's syndrome program, to
 4 be used for support services for children with autism
 5 spectrum disorder and their families.

6 (4) Of the funds appropriated in this section,
 7 \$100,000 shall be used for a one-time grant to support
 8 startup costs for a child protection center to be
 9 operated in a hospital in a county in northeast
 10 Iowa with a population between 120,000 and 135,000.
 11 Population numbers used in this subsection are from the
 12 latest preceding certified federal census.

13 b. Family support subsidy:
 14 \$ 100,000

15 The funds appropriated in this paragraph shall be
 16 used for the family support center component of the
 17 comprehensive family support program under section
 18 225C.47.

19 c. Child support recovery:
 20 \$ 250,000

21 d. Juvenile institutions:
 22 \$ 600,000

23 (1) Of the funds appropriated in this paragraph,
 24 \$200,000 shall be used for operation of the Iowa
 25 juvenile home at Toledo.

26 (2) Of the funds appropriated in this paragraph,
 27 \$400,000 shall be used for operation of the state
 28 training school at Eldora.

29 e. Mental health institutes:
 30 \$ 350,000

31 (1) Of the funds appropriated in this paragraph,
 32 \$100,000 shall be used for the state mental health
 33 institute at Cherokee.

34 (2) Of the funds appropriated in this paragraph,
 35 \$100,000 shall be used for the state mental health
 36 institute at Clarinda.

37 (3) Of the funds appropriated in this paragraph,
38 \$100,000 shall be used for the state mental health
39 institute at Independence.

40 (4) Of the funds appropriated in this paragraph,
41 \$50,000 shall be used for the state mental health
42 institute at Mount Pleasant.

43 f. MI/MR/DD state cases:	
44	\$ 1,000,000
45 g. Sexually violent predators:	
46	\$ 800,000
47 h. Field operations:	
48	\$2,340,000>

49 32. Page 72, by striking lines 32 and 33 and
50 inserting <by the department shall be credited to the

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1 property tax relief fund and distributed as additional
2 funding for the fiscal year beginning July 1, 2010,
3 in accordance with the formula provisions in this
4 section.>

5 33. Page 73, by striking lines 15 and 16 and
6 inserting <However, for a county that is subject to
7 this subparagraph, the amount withheld>

8 34. Page 77, after line 25 by inserting:
9 <GENERAL FUND ADDICTIVE DISORDERS – TOBACCO USE
10 PREVENTION AND CONTROL INITIATIVE

11 Sec. __. 2009 Iowa Acts, chapter 182, section 2,
12 subsection 1, paragraph a, is amended by adding the
13 following new subparagraph:

14 NEW SUBPARAGRAPH. (3) Notwithstanding section
15 8.33, moneys allocated in this paragraph "a" that
16 remain unencumbered or unobligated at the close of the
17 fiscal year shall not revert but shall remain available
18 for expenditure for the purposes designated until the
19 close of the succeeding fiscal year.>

20 35. Page 80, after line 13 by inserting:
21 <HEALTH CARE TRUST FUND ADDICTIVE DISORDERS – TOBACCO
22 USE PREVENTION AND CONTROL INITIATIVE

23 Sec. __. 2009 Iowa Acts, chapter 182, section 60,
24 subsection 1, paragraph b, is amended by adding the
25 following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH Notwithstanding section
27 8.33, moneys allocated in this paragraph "b" that
28 remain unencumbered or unobligated at the close of the
29 fiscal year shall not revert but shall remain available
30 for expenditure for the purposes designated until the
31 close of the succeeding fiscal year.

32 ADDICTIVE DISORDERS – NONREVERSION
33 Sec. __. ADDICTIVE DISORDERS NONREVERSION
34 DIRECTIVE. The authority provided in this division
35 of this Act for nonreversion of the appropriations

36 for addictive disorders allocated for the tobacco
37 use prevention and control initiative, as referenced
38 in this section, is limited to \$500,000 and shall
39 be realized by applying the authority to such
40 appropriations in the following order until the
41 limitation amount is reached:
42 1. The allocation made from the general fund of
43 the state in 2009 Iowa Acts, chapter 182, section 60,
44 subsection 1, paragraph "b".
45 2. The allocation made from the health care trust
46 fund in 2009 Iowa Acts, chapter 182, section 2,
47 subsection 1, paragraph "a".>
48 36. Page 80, before line 14 by inserting:
49 Sec. ____ 2009 Iowa Acts, chapter 182, section 5A,
50 as enacted by 2010 Iowa Acts, [Senate File 2151](#), section

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1 2, is amended by adding the following new subsection:
2 4. a. (1) To the extent other federal funding is
3 not available for summer youth programs administered by
4 the department of workforce development and provided
5 the match requirement is met through the employment
6 programs, in addition to the amount appropriated in
7 subsection 1, funding is appropriated from the same
8 source and for the same fiscal year addressed in
9 subsection 1, to the department of human services to be
10 used for summer youth employment programs administered
11 by the department of workforce development for the
12 fiscal year beginning July 1, 2009, in accordance with
13 the requirements of this lettered paragraph.
14 (2) The department of human services shall
15 collaborate with the department of workforce
16 development to secure additional federal funds from the
17 emergency contingency fund for the temporary assistance
18 for needy families state program established pursuant
19 to the federal American Recovery and Reinvestment Act
20 of 2009, Pub. L. No. 115-5 § 2101. This collaboration
21 shall be for the express limited purpose of securing
22 emergency contingency funds to subsidize wages paid
23 on behalf of individuals participating in the summer
24 youth employment program administered by the department
25 of workforce development. Subsidized wages shall
26 be eligible for reimbursement under the terms of the
27 federal American Recovery and Reinvestment Act of 2009,
28 Pub. L. No. 115-5 § 2101, or successor legislation,
29 which may extend the availability of emergency
30 contingency funds. The collaboration between the two
31 agencies shall be formalized through a memorandum of
32 agreement.
33 (3) Federal funds received as the result of
34 this collaboration shall be transferred to the

35 department of workforce development for the sole
 36 purpose of covering the costs of wages paid on behalf
 37 of individuals participating in the summer youth
 38 employment program administered by the department of
 39 workforce development. The department of workforce
 40 development shall ensure that all expenditures comply
 41 with applicable federal requirements and shall be
 42 responsible for the repayment of any funds spent
 43 in error and any corresponding penalty as well as
 44 taking corrective action to address the error. Funds
 45 received in excess of the amount of subsidized wages
 46 eligible for reimbursement under the terms of the
 47 federal American Recovery and Reinvestment Act of 2009,
 48 Pub. L. No. 115-5 § 2101, or successor legislation,
 49 which may extend the availability of emergency
 50 contingency funds, shall be returned by the department

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1 of workforce development to the federal government
 2 following procedures developed by the federal temporary
 3 assistance for needy families agency for that purpose.
 4 (4) The department of workforce development
 5 shall provide the department of human services with
 6 the necessary information to support the request
 7 for emergency contingency funds and to report the
 8 expenditure of these funds once received pursuant to
 9 federal reporting requirements. The responsibilities
 10 of both agencies shall be specified in the memorandum
 11 of agreement.>
 12 37. By striking page 103, line 15, through page
 13 105, line 1.
 14 38. By renumbering as necessary.

Heddens of Story offered the following amendment [H-8477](#), to
 amendment [H-8459](#), filed by her from the floor and moved its
 adoption:

[H-8477](#)

1 Amend the amendment, [H-8459](#), to [House File 2526](#) as
 2 follows:
 3 1. Page 2, after line 34 by inserting:
 4 <__. Page 17, line 10, by striking <111-5> and
 5 inserting <115-5>>
 6 2. Page 3, after line 40 by inserting:
 7 <__. Page 21, by striking line 1 and inserting
 8 <available through Pub. L. No. 111-118, § 1001 for>>
 9 3. Page 4, line 41, after <laboratories,> by
 10 inserting <rehabilitation agencies,>
 11 4. Page 4, line 44, after <laboratories> by

12 inserting <and rehabilitation agencies>
13 5. Page 5, by striking lines 8 through 10 and
14 inserting:
15 <__. By striking page 64, line 6, and inserting
16 distribution to university of Iowa physicians for>
17 6. Page 7, after line 48 by inserting:
18 <__. Page 69, by striking lines 25 through 33. >>
19 7. Page 9, line 20, by striking <115-5> and
20 inserting <111-5>
21 8. Page 9, line 28, by striking <115-5> and
22 inserting <111-5>
23 9. Page 9, line 48, by striking <115-5> and
24 inserting <111-5>

Amendment [H-8477](#) was adopted.

Heaton of Henry offered the following amendment [H-8472](#), to amendment [H-8459](#), filed by him and Heddens of Story, from the floor and moved its adoption:

[H-8472](#)

1 Amend the amendment, [H-8459](#), to [House File 2526](#) as
2 follows:
3 1. Page 4, line 31, after <institutes.> by
4 inserting:
5 <In addition, the department shall consider the
6 feasibility of developing treatment facilities of
7 sixteen beds or fewer that would be eligible for
8 federal Medicaid program match; identify provisions
9 to increase the participation of students of medical,
10 dental, psychiatry, psychology, social work, and
11 other health care and behavioral health professions
12 in clinical practice training at the institutions
13 administered by the department; and develop methods for
14 the department and the judicial branch to facilitate
15 regular meetings and other communication between
16 representatives of the criminal justice system,
17 service providers, county central point of coordination
18 administrators, other pertinent state agencies,
19 and other stakeholders to improve the processes for
20 involuntary commitment for chronic substance abuse
21 under chapter 125 and serious mental illness under
22 chapter 229.>

Amendment [H-8472](#) was adopted.

On motion by Heddens of Story, amendment [H-8459](#), as amended, was adopted.

L. Miller of Scott offered the following amendment [H-8470](#) filed by her from the floor and moved its adoption:

[H-8470](#)

1 Amend [House File 2526](#) as follows:
 2 1. Page 2, after line 24 by inserting:
 3 <4. a. The department on aging shall establish and
 4 enforce procedures relating to expenditure of state and
 5 federal funds by area agencies on aging that require
 6 compliance with both state and federal laws, rules, and
 7 regulations, including but not limited to all of the
 8 following:
 9 (1) Requiring that expenditures are incurred only
 10 for goods or services received or performed prior to
 11 the end of the fiscal period designated for use of the
 12 funds.
 13 (2) Prohibiting prepayment for goods or services
 14 not received or performed prior to the end of the
 15 fiscal period designated for use of the funds.
 16 (3) Prohibiting the prepayment for goods or
 17 services not defined specifically by good or service,
 18 time period, or recipient.
 19 (4) Prohibiting the establishment of accounts from
 20 which future goods or services which are not defined
 21 specifically by good or service, time period, or
 22 recipient, may be purchased.
 23 b. The procedures shall provide that if any funds
 24 are expended in a manner that is not in compliance with
 25 the procedures and applicable federal and state laws,
 26 rules, and regulations, and are subsequently subject
 27 to repayment, the area agency on aging expending such
 28 funds in contravention of such procedures, laws, rules
 29 and regulations, not the state, shall be liable for
 30 such repayment.>

Roll call was requested by Paulsen of Linn and Upmeyer of Hancock.

On the question "Shall amendment [H-8470](#) be adopted?" ([H.F. 2526](#))

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Chambers
Cohoon	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	Ford

Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Hanson	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Wessel-Kroeschell, Presiding	

The nays were, none.

Absent or not voting, 1:

Wendt

Amendment [H-8470](#) was adopted.

Smith of Marshall offered the following amendment [H-8471](#) filed by him from the floor and moved its adoption:

[H-8471](#)

- 1 Amend [House File 2526](#) as follows:
- 2 1. Page 13, after line 13 by inserting:
- 3 <c. Within available resources and in conformance
- 4 with associated state and federal program eligibility
- 5 requirements, the Iowa veterans home may implement
- 6 measures to provide financial assistance to or on
- 7 behalf of veterans or their spouses participating in
- 8 the community reentry program.>

Amendment [H-8471](#) was adopted.

Alons of Sioux offered amendment [H-8463](#) filed by him from the floor and requested division as follows:

[H-8463B](#)

1 Amend [House File 2526](#) as follows:

[H-8463A](#)

2 1. Page 25, line 4, after <reported> by inserting
3 <and verified>

[H-8463B](#)

4 2. Page 25, after line 14, by inserting:
5 <__. Before a medically necessary abortion is
6 performed, with the exception of a medically necessary
7 abortion described in subsection 1, paragraph "e", as a
8 spontaneous abortion, all of the following conditions
9 shall be met:
10 a. The pregnant woman is referred to a nonprofit
11 agency providing a comprehensive range of free services
12 including options counseling.
13 b. The woman is provided an ultrasound exam.
14 c. The woman is provided information that the
15 right to life is the paramount and most fundamental
16 right of every person, irrespective of age, health,
17 function, physical or mental dependency, and this right
18 applies to all human beings from the beginning of their
19 biological development.>

[H-8463A](#)

20 3. Page 63, line 2, after <reported> by inserting
21 <and verified>

[H-8463B](#)

22 4. Page 63, after line 12 by inserting:
23 <Ob. Before a medically necessary abortion is
24 performed, with the exception of a medically necessary
25 abortion described in paragraph "a", subparagraph
26 (5), as a spontaneous abortion, all of the following
27 conditions shall be met:
28 (1) The pregnant woman is referred to a nonprofit
29 agency providing a comprehensive range of free services
30 including options counseling.
31 (2) The woman is provided an ultrasound exam.
32 (3) The woman is provided information that the
33 right to life is the paramount and most fundamental
34 right of every person, irrespective of age, health,
35 function, physical or mental dependency, and this right
36 applies to all human beings from the beginning of their
37 biological development.>
38 5. By renumbering as necessary.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-8463A](#) filed by him from the floor.

Alons of Sioux moved the adoption of amendment [H-8463B](#).

Roll call was requested by De Boef of Keokuk and Smith of Marshall.

Rule 75 was invoked.

On the question "Shall amendment [H-8463B](#) be adopted?" ([H.F. 2526](#))

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wenthe	Whitead	Willems	Winckler
Zirkelbach	Wessel-Kroeschell, Presiding		

Absent or not voting, 1:

Wendt

Amendment [H-8463B](#) lost.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-8456](#) filed by Alons of Sioux, et al., on March 17, 2010.

Schulte of Linn offered the following amendment [H-8473](#) filed by her from the floor and moved its adoption:

[H-8473](#)

1 Amend [House File 2526](#) as follows:
 2 1. Page 31, after line 18 by inserting:
 3 <The Iowa Medicaid enterprise shall require that
 4 in any procurement or reprourement of a contract to
 5 provide program eligibility services, procedures shall
 6 be implemented to ensure that eligibility information
 7 provided by an applicant or recipient is independently
 8 verified or supported by sufficient documentation to
 9 prevent an ineligible individual from receiving medical
 10 assistance program benefits.>

Roll call was requested by Heaton of Henry and May of Dickinson.

On the question "Shall amendment [H-8473](#) be adopted?" ([H.F. 2526](#))

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 51:

Abdul-Samad	Bailey	Beard	Bell
Bukta	Burt	Cohoon	Ficken
Frevert	Gaskill	Gayman	Hanson
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Reasoner	Reichert
Running-Marquardt	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor	Thede

Thomas Winckler	Wenthe Zirkelbach	Whitead Wessel-Kroeschell, Presiding	Willems
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Absent or not voting, 5:

Berry Wendt	Ford	Miller, H.	Quirk
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Amendment [H-8473](#) lost.

Schulte of Linn offered the following amendment [H-8469](#) filed by her from the floor and moved its adoption:

[H-8469](#)

- 1 Amend [House File 2526](#) as follows:
- 2 1. Page 50, after line 26 by inserting:
- 3 <3. The department shall implement standardized
- 4 procedures for determining income eligibility for all
- 5 programs under the purview of the department.>

Roll call was requested by May of Dickinson and Smith of Marshall.

On the question "Shall amendment [H-8469](#) be adopted?" ([H.F. 2526](#))

The ayes were, 45:

Alons	Anderson	Arnold	Bailey
Baudler	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 52:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Frevert	Gaskill	Gayman	Hanson
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig

Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Thomas	Wenthe	Whitead
Willems	Winckler	Zirkelbach	Wessel-Kroeschell, Presiding

Absent or not voting, 3:

Ford	Miller, H.	Wendt
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Amendment [H-8469](#) lost.

Smith of Marshall offered amendment [H-8455](#) filed by him and Mascher of Johnson as follows:

[H-8455](#)

- 1 Amend [House File 2526](#) as follows:
- 2 1. Page 103, after line 14 by inserting:
- 3 <Sec. ____ Section 237A.3A, subsection 3, Code
- 4 Supplement 2009, is amended by adding the following new
- 5 paragraph:
- 6 NEW PARAGRAPH. e. If the department adopts rules
- 7 establishing a limitation on the number of hours for
- 8 which substitute care may be utilized by the provider,
- 9 such a limitation shall not apply to or incorporate
- 10 substitute care utilized when the provider is engaged
- 11 in jury duty or in official duties connected with the
- 12 provider's membership on a state board, committee, or
- 13 other policy-related body.>
- 14 2. By renumbering as necessary.

Raecker of Polk rose on a point of order that amendment [H-8455](#) was not germane.

The Speaker ruled the point not well taken and amendment [H-8455](#) germane.

On motion by Smith of Marshall, amendment [H-8455](#) was adopted.

Isenhart of Dubuque asked and received unanimous consent to withdraw amendment [H-8461](#) filed by him from the floor.

Heaton of Henry offered the following amendment [H-8474](#) filed by him from the floor and moved its adoption:

[H-8474](#)

- 1 Amend [House File 2526](#) as follows:
- 2 1. Page 106, after line 8 by inserting:
- 3 <Sec. ____ SCHOOL READY CHILDREN GRANTS – HOME
- 4 VISITATION COMPONENT. This section applies to the
- 5 school ready children grant program requirement in
- 6 section 256I.9, subsection 3, paragraph b, as enacted
- 7 by 2010 Iowa Acts, [Senate File 2088](#), section 286, that
- 8 at least sixty percent of funding from all sources
- 9 designated by an early childhood Iowa area board for
- 10 family support program shall be committed to programs
- 11 with a home visitation component. For the fiscal year
- 12 beginning July 1, 2010, upon request from an early
- 13 childhood Iowa area board, the early childhood Iowa
- 14 state board may approve a waiver to recognize a program
- 15 to be equivalent to and be part of the home visitation
- 16 component if the program provides comparable services
- 17 in settings other than the home.>
- 18 2. By renumbering as necessary.

Roll call was requested by Heaton of Henry and Watts of Dallas.

On the question “Shall amendment [H-8474](#) be adopted?” ([H.F. 2526](#))

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Murphy, Sprk.	Olson, S.
Paulsen	Pettengill	Raecker	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Huser	Isenhart	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing

Lykam	Marek	Mascher	McCarthy
Mertz	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Running-Marquardt	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor	Thede	Thomas	Wenthe
Whitead	Willems	Winckler	Wessel-Kroeschell, Presiding

Absent or not voting, 4:

Miller, H.	Rants	Wendt	Zirkelbach
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Amendment [H-8474](#) lost.

Heddens of Story 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. 2526](#))

The ayes were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Running-Marquardt	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor	Thede	Thomas	Wenthe
Whitead	Willems	Winckler	Zirkelbach
Wessel-Kroeschell, Presiding			

The nays were, 45:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk

Sweeney Tjepkes Tymeson Upmeyer
Van Engelenhoven Wagner Watts Windschitl
Worthan

Absent or not voting, 2:

Miller, H. Wendt

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 2526](#) be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2483](#), a bill for an act relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision.

Also: That the Senate has on March 18, 2010, passed the following bill in which the concurrence of the Senate was asked:

[House File 2518](#), a bill for an act concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions.

Also: That the Senate has on March 18, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2381](#), 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, providing for properly related matters, and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 5:20 p.m., until the fall of the gavel.

The House resumed session at 5:52 p.m., Gayman of Scott in the chair.

[House File 2523](#), a bill for an act relating to and making appropriations to the justice system, and including effective date provisions, was taken up for consideration.

Taylor of Linn offered the following amendment [H-8442](#) filed by him and moved its adoption:

[H-8442](#)

1 Amend [House File 2523](#) as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <DIVISION __I
5 APPROPRIATIONS
6 Section 1. DEPARTMENT OF JUSTICE.
7 1. There is appropriated from the general fund
8 of the state to the department of justice for the
9 fiscal year beginning July 1, 2010, and ending June 30,
10 2011, the following amounts, or so much thereof as is
11 necessary, to be used for the purposes designated:
12 a. For the general office of attorney general for
13 salaries, support, maintenance, and miscellaneous
14 purposes, including the prosecuting attorneys training
15 program, victim assistance grants, office of drug
16 control policy prosecuting attorney program, and
17 odometer fraud enforcement, and for not more than the
18 following full-time equivalent positions:
19 \$ 7,732,930
20 FTEs 232.50
21 It is the intent of the general assembly that as
22 a condition of receiving the appropriation provided
23 in this lettered paragraph, the department of justice
24 shall maintain a record of the estimated time incurred
25 representing each agency or department.
26 b. For victim assistance grants:
27 \$ 3,060,000
28 The funds appropriated in this lettered paragraph
29 shall be used to provide grants to care providers
30 providing services to crime victims of domestic abuse
31 or to crime victims of rape and sexual assault.
32 The balance of the victim compensation fund
33 established in section 915.94 may be used to provide
34 salary and support of not more than 22 FTEs and
35 to provide maintenance for the victim compensation
36 functions of the department of justice.
37 The department of justice may transfer moneys from

38 the victim compensation fund established in section
 39 915.94 to the victim assistance grant program.
 40 c. For legal services for persons in poverty grants
 41 as provided in section 13.34:
 42 \$ 1,930,671
 43 2. a. The department of justice, in submitting
 44 budget estimates for the fiscal year commencing July
 45 1, 2011, pursuant to section 8.23, shall include a
 46 report of funding from sources other than amounts
 47 appropriated directly from the general fund of the
 48 state to the department of justice or to the office of
 49 consumer advocate. These funding sources shall include
 50 but are not limited to reimbursements from other state

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1 agencies, commissions, boards, or similar entities, and
 2 reimbursements from special funds or internal accounts
 3 within the department of justice. The department of
 4 justice shall also report actual reimbursements for the
 5 fiscal year commencing July 1, 2009, and actual and
 6 expected reimbursements for the fiscal year commencing
 7 July 1, 2010.
 8 b. The department of justice shall include the
 9 report required under paragraph "a", as well as
 10 information regarding any revisions occurring as a
 11 result of reimbursements actually received or expected
 12 at a later date, in a report to the co-chairpersons
 13 and ranking members of the joint appropriations
 14 subcommittee on the justice system and the legislative
 15 services agency. The department of justice shall
 16 submit the report on or before January 15, 2011.
 17 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
 18 appropriated from the department of commerce revolving
 19 fund created in section 546.12 to the office of
 20 consumer advocate of the department of justice for the
 21 fiscal year beginning July 1, 2010, and ending June 30,
 22 2011, the following amount, or so much thereof as is
 23 necessary, to be used for the purposes designated:
 24 For salaries, support, maintenance, miscellaneous
 25 purposes, and for not more than the following full-time
 26 equivalent positions:
 27 \$ 3,336,344
 28 FTEs 27.00
 29 Sec. 3. DEPARTMENT OF CORRECTIONS – FACILITIES.
 30 1. There is appropriated from the general fund of
 31 the state to the department of corrections for the
 32 fiscal year beginning July 1, 2010, and ending June 30,
 33 2011, the following amounts, or so much thereof as is
 34 necessary, to be used for the purposes designated:
 35 For the operation of adult correctional
 36 institutions, reimbursement of counties for certain

37 confinement costs, and federal prison reimbursement,
 38 to be allocated as follows:
 39 a. For the operation of the Fort Madison
 40 correctional facility, including salaries, support,
 41 maintenance, and miscellaneous purposes:
 42 \$ 39,991,374
 43 As a condition of receiving an appropriation in
 44 this lettered paragraph, the department of corrections
 45 shall operate the John Bennett facility either as an
 46 institution of the department or a community-based
 47 correctional facility.
 48 b. For the operation of the Anamosa correctional
 49 facility, including salaries, support, maintenance, and
 50 miscellaneous purposes:

Page 3

1 \$ 30,416,461
 2 As a condition of receiving the appropriation in
 3 this lettered paragraph, the department of corrections
 4 shall employ two part-time registered nurses at the
 5 Luster Heights facility, and shall seek volunteer
 6 licensed medical personnel to serve at the facility.
 7 It is the intent of the general assembly that the
 8 department of corrections fully operate the Luster
 9 Heights facility at the facility's 88-bed capacity.
 10 As a condition of the moneys appropriated in this
 11 lettered paragraph, the department of corrections shall
 12 replace expired federal funding by expending at least
 13 \$238,252 for continuation of a treatment program that
 14 prepares offenders for ongoing therapeutic treatment
 15 programs offered by the department and maintaining at
 16 least 4.75 FTEs for the program.
 17 Moneys appropriated in this lettered paragraph shall
 18 provide for one full-time substance abuse counselor
 19 for the Luster Heights facility for the purpose of
 20 certification of a substance abuse program at that
 21 facility.
 22 c. For the operation of the Oakdale correctional
 23 facility, including salaries, support, maintenance, and
 24 miscellaneous purposes:
 25 \$ 55,755,246
 26 d. For the operation of the Newton correctional
 27 facility, including salaries, support, maintenance, and
 28 miscellaneous purposes:
 29 \$ 26,452,257
 30 e. For the operation of the Mt. Pleasant
 31 correctional facility, including salaries, support,
 32 maintenance, and miscellaneous purposes:
 33 \$ 26,265,257
 34 f. For the operation of the Rockwell City
 35 correctional facility, including salaries, support,

36 maintenance, and miscellaneous purposes:
 37 \$ 9,324,565
 38 g. For the operation of the Clarinda correctional
 39 facility, including salaries, support, maintenance, and
 40 miscellaneous purposes:
 41 \$ 23,645,033
 42 Moneys received by the department of corrections as
 43 reimbursement for services provided to the Clarinda
 44 youth corporation are appropriated to the department
 45 and shall be used for the purpose of operating the
 46 Clarinda correctional facility.
 47 h. For the operation of the Mitchellville
 48 correctional facility, including salaries, support,
 49 maintenance, and miscellaneous purposes:
 50 \$ 15,486,586

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1 i. For the operation of the Fort Dodge correctional
 2 facility, including salaries, support, maintenance, and
 3 miscellaneous purposes:
 4 \$ 29,020,235
 5 j. For reimbursement of counties for temporary
 6 confinement of work release and parole violators, as
 7 provided in sections 901.7, 904.908, and 906.17, and
 8 for offenders confined pursuant to section 904.513:
 9 \$ 775,092
 10 k. For federal prison reimbursement, reimbursements
 11 for out-of-state placements, and miscellaneous
 12 contracts:
 13 \$ 239,411

14 2. The department of corrections shall use moneys
 15 appropriated in subsection 1 to continue to contract
 16 for the services of a Muslim imam.

17 Sec. 4. DEPARTMENT OF CORRECTIONS –
 18 ADMINISTRATION.

19 1. There is appropriated from the general fund of
 20 the state to the department of corrections for the
 21 fiscal year beginning July 1, 2010, and ending June 30,
 22 2011, the following amounts, or so much thereof as is
 23 necessary, to be used for the purposes designated:

24 a. For general administration, including salaries,
 25 support, maintenance, employment of an education
 26 director to administer a centralized education
 27 program for the correctional system, and miscellaneous
 28 purposes:
 29 \$ 4,254,068

30 (1) It is the intent of the general assembly
 31 that as a condition of receiving the appropriation
 32 provided in this lettered paragraph the department of
 33 corrections shall not, except as otherwise provided in
 34 subparagraph (3), enter into a new contract, unless

35 the contract is a renewal of an existing contract,
 36 for the expenditure of moneys in excess of \$100,000
 37 during the fiscal year beginning July 1, 2010, for the
 38 privatization of services performed by the department
 39 using state employees as of July 1, 2010, or for the
 40 privatization of new services by the department without
 41 prior consultation with any applicable state employee
 42 organization affected by the proposed new contract and
 43 prior notification of the co-chairpersons and ranking
 44 members of the joint appropriations subcommittee on the
 45 justice system.

46 (2) It is the intent of the general assembly
 47 that each lease negotiated by the department of
 48 corrections with a private corporation for the purpose
 49 of providing private industry employment of inmates in
 50 a correctional institution shall prohibit the private

Page 5

1 corporation from utilizing inmate labor for partisan
 2 political purposes for any person seeking election to
 3 public office in this state and that a violation of
 4 this requirement shall result in a termination of the
 5 lease agreement.

6 (3) It is the intent of the general assembly
 7 that as a condition of receiving the appropriation
 8 provided in this lettered paragraph the department
 9 of corrections shall not enter into a lease or
 10 contractual agreement pursuant to section 904.809 with
 11 a private corporation for the use of building space
 12 for the purpose of providing inmate employment without
 13 providing that the terms of the lease or contract
 14 establish safeguards to restrict, to the greatest
 15 extent feasible, access by inmates working for the
 16 private corporation to personal identifying information
 17 of citizens.

18 b. For educational programs for inmates at state
 19 penal institutions:
 20 \$ 1,558,109

21 As a condition of receiving the appropriation in
 22 this lettered paragraph, the department of corrections
 23 shall transfer at least \$300,000 from the canteen
 24 operating funds established pursuant to section 904.310
 25 to be used for correctional educational programs funded
 26 in this lettered paragraph.

27 It is the intent of the general assembly that moneys
 28 appropriated in this lettered paragraph shall be used
 29 solely for the purpose indicated and that the moneys
 30 shall not be transferred for any other purpose. In
 31 addition, it is the intent of the general assembly
 32 that the department shall consult with the community
 33 colleges in the areas in which the institutions are

34 located to utilize moneys appropriated in this lettered
35 paragraph to fund the high school completion, high
36 school equivalency diploma, adult literacy, and adult
37 basic education programs in a manner so as to maintain
38 these programs at the institutions.

39 To maximize the funding for educational programs,
40 the department shall establish guidelines and
41 procedures to prioritize the availability of
42 educational and vocational training for inmates based
43 upon the goal of facilitating an inmate's successful
44 release from the correctional institution.

45 The director of the department of corrections may
46 transfer moneys from Iowa prison industries for use in
47 educational programs for inmates.

48 Notwithstanding section 8.33, moneys appropriated
49 in this lettered paragraph that remain unobligated or
50 unexpended at the close of the fiscal year shall not

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1 revert but shall remain available for expenditure only
2 for the purpose designated in this lettered paragraph
3 until the close of the succeeding fiscal year.

4 c. For the development of the Iowa corrections
5 offender network (ICON) data system:
6 \$ 424,364

7 d. For offender mental health and substance abuse
8 treatment:
9 \$ 22,319

10 e. For viral hepatitis prevention and treatment:
11 \$ 167,881

12 2. It is the intent of the general assembly
13 that the department of corrections shall continue
14 to operate the correctional farms under the control
15 of the department at the same or greater level
16 of participation and involvement as existed as
17 of June 30, 2011; shall not enter into any rental
18 agreement or contract concerning any farmland under
19 the control of the department that is not subject
20 to a rental agreement or contract as of January 1,
21 2010, without prior legislative approval; and shall
22 further attempt to provide job opportunities at the
23 farms for inmates. The department shall attempt to
24 provide job opportunities at the farms for inmates
25 by encouraging labor-intensive farming or gardening
26 where appropriate; using inmates to grow produce
27 and meat for institutional consumption; researching
28 the possibility of instituting food canning and
29 cook-and-chill operations; and exploring opportunities
30 for organic farming and gardening, livestock ventures,
31 horticulture, and specialized crops.

32 3. The department of corrections shall provide a

33 smoking cessation program to offenders committed to the
 34 custody of the director or who are otherwise detained
 35 by the department, that complies with legislation
 36 enacted restricting or prohibiting smoking on the
 37 grounds of correctional institutions.

38 4. As a condition of receiving the appropriations
 39 made in this section, the department of corrections
 40 shall develop and implement offender reentry programs
 41 in Black Hawk and Polk counties to provide transitional
 42 planning and release primarily for offenders released
 43 from the Iowa correctional institution for women
 44 at Mitchellville and the Fort Dodge correctional
 45 facility. Programming shall include minority and
 46 gender-specific responsivity, employment, substance
 47 abuse treatment, mental health services, housing, and
 48 family reintegration. The department of corrections
 49 shall collaborate with the first and fifth judicial
 50 district departments of correctional services, the Iowa

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1 department of workforce development, the department
 2 of human services, community-based providers and
 3 faith-based organizations, and local law enforcement.

4 5. The chief security officer position within the
 5 department of corrections shall be eliminated by the
 6 effective date of this subsection.

7 6. The department shall place inmates at the Luster
 8 Heights facility who have been approved by the board
 9 of parole for work release but who are expected to be
 10 waiting in prison for at least four months for a bed
 11 to become available at a community-based correctional
 12 facility, unless the placement would dislodge an inmate
 13 receiving substance abuse treatment.

14 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF
 15 CORRECTIONAL SERVICES.

16 1. There is appropriated from the general fund of
 17 the state to the department of corrections for the
 18 fiscal year beginning July 1, 2010, and ending June
 19 30, 2011, for salaries, support, maintenance, and
 20 miscellaneous purposes, the following amounts, or
 21 so much thereof as is necessary, to be allocated as
 22 follows:

23 a. For the first judicial district department of
 24 correctional services:
 25 \$ 12,453,082

26 As a condition of the moneys appropriated in this
 27 lettered paragraph, the department of corrections shall
 28 replace expired federal funding by expending at least
 29 \$140,000 for the dual diagnosis program and maintaining
 30 1.25 FTEs for the program.

31 b. For the second judicial district department of

32 correctional services:
 33 \$ 10,770,616
 34 c. For the third judicial district department of
 35 correctional services:
 36 \$ 5,715,578
 37 d. For the fourth judicial district department of
 38 correctional services:
 39 \$ 5,522,416
 40 e. For the fifth judicial district department of
 41 correctional services, including funding for electronic
 42 monitoring devices for use on a statewide basis:
 43 \$ 18,938,081
 44 As a condition of receiving the appropriation in
 45 this lettered paragraph, the fifth judicial district
 46 department of correctional services shall reinstate
 47 67 beds in buildings 65 and 66 at the Fort Des Moines
 48 facility and resume operating the buildings, in
 49 addition to maintaining the 199 beds in buildings 68
 50 and 70 at the Fort Des Moines facility. The district

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1 department may use inmate labor to upgrade and renovate
 2 the buildings, if renovation and updating are required.
 3 f. For the sixth judicial district department of
 4 correctional services:
 5 \$13,030,356
 6 g. For the seventh judicial district department of
 7 correctional services:
 8 \$ 6,846,560
 9 h. For the eighth judicial district department of
 10 correctional services:
 11 \$ 6,935,622
 12 2. Each judicial district department of
 13 correctional services, within the funding available,
 14 shall continue programs and plans established within
 15 that district to provide for intensive supervision, sex
 16 offender treatment, diversion of low-risk offenders
 17 to the least restrictive sanction available, job
 18 development, and expanded use of intermediate criminal
 19 sanctions.
 20 3. Each judicial district department of
 21 correctional services shall provide alternatives to
 22 prison consistent with chapter 901B. The alternatives
 23 to prison shall ensure public safety while providing
 24 maximum rehabilitation to the offender. A judicial
 25 district department of correctional services may also
 26 establish a day program.
 27 4. The governor's office of drug control policy
 28 shall consider federal grants made to the department
 29 of corrections for the benefit of each of the eight
 30 judicial district departments of correctional services

31 as local government grants, as defined pursuant to
32 federal regulations.

33 5. The department of corrections shall continue
34 to contract with a judicial district department
35 of correctional services to provide for the rental
36 of electronic monitoring equipment which shall be
37 available statewide.

38 6. A judicial district department of correctional
39 services shall accept into the facilities of the
40 district department, offenders assigned from other
41 judicial district departments of correctional services.

42 Sec. 6. DEPARTMENT OF CORRECTIONS – REALLOCATION
43 OF APPROPRIATIONS. Notwithstanding section 8.39,
44 within the moneys appropriated in this Act to the
45 department of corrections, the department may
46 reallocate the moneys appropriated and allocated as
47 necessary to best fulfill the needs of the correctional
48 institutions, administration of the department, and the
49 judicial district departments of correctional services.
50 However, in addition to complying with the requirements

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1 of sections 904.116 and 905.8 and providing notice to
2 the legislative services agency, the department of
3 corrections shall also provide notice to the department
4 of management, prior to the effective date of the
5 revision or reallocation of an appropriation made
6 pursuant to this section. The department shall not
7 reallocate an appropriation or allocation for the
8 purpose of eliminating any program.

9 Sec. 7. INTENT – REPORTS.

10 1. The department in cooperation with townships,
11 the Iowa cemetery associations, and other nonprofit
12 or governmental entities may use inmate labor during
13 the fiscal year beginning July 1, 2010, to restore or
14 preserve rural cemeteries and historical landmarks.
15 The department in cooperation with the counties may
16 also use inmate labor to clean up roads, major water
17 sources, and other water sources around the state.

18 2. Each month the department shall provide a
19 status report regarding private-sector employment to
20 the legislative services agency beginning on July 1,
21 2010. The report shall include the number of offenders
22 employed in the private sector, the combined number of
23 hours worked by the offenders, and the total amount of
24 allowances, and the distribution of allowances pursuant
25 to section 904.702, including any moneys deposited in
26 the general fund of the state.

27 Sec. 8. ELECTRONIC MONITORING REPORT. The
28 department of corrections shall submit a report on
29 electronic monitoring to the general assembly, to the

30 co-chairpersons and the ranking members of the joint
 31 appropriations subcommittee on the justice system, and
 32 to the legislative services agency by January 15, 2011.
 33 The report shall specifically address the number of
 34 persons being electronically monitored and break down
 35 the number of persons being electronically monitored
 36 by offense committed. The report shall also include a
 37 comparison of any data from the prior fiscal year with
 38 the current year.

39 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
 40 INDUSTRIES.

41 1. As used in this section, unless the context
 42 otherwise requires, "state agency" means the government
 43 of the state of Iowa, including but not limited to
 44 all executive branch departments, agencies, boards,
 45 bureaus, and commissions, the judicial branch,
 46 the general assembly and all legislative agencies,
 47 institutions within the purview of the state board of
 48 regents, and any corporation whose primary function is
 49 to act as an instrumentality of the state.

50 2. State agencies are hereby encouraged to purchase

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1 products from Iowa state industries, as defined in
 2 section 904.802, when purchases are required and the
 3 products are available from Iowa state industries.
 4 State agencies shall obtain bids from Iowa state
 5 industries for purchases of office furniture during the
 6 fiscal year beginning July 1, 2010, exceeding \$5,000
 7 or in accordance with applicable administrative rules
 8 related to purchases for the agency.

9 Sec. 10. STATE PUBLIC DEFENDER. There is
 10 appropriated from the general fund of the state to the
 11 office of the state public defender of the department
 12 of inspections and appeals for the fiscal year
 13 beginning July 1, 2010, and ending June 30, 2011, the
 14 following amounts, or so much thereof as is necessary,
 15 to be allocated as follows for the purposes designated:

16 1. For salaries, support, maintenance,
 17 miscellaneous purposes, and for not more than the
 18 following full-time equivalent positions:
 19 \$ 21,743,182
 20 FTEs 203.00

21 2. For the fees of court-appointed attorneys for
 22 indigent adults and juveniles, in accordance with
 23 section 232.141 and chapter 815:
 24 \$ 15,680,929

25 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

26 1. There is appropriated from the general fund of
 27 the state to the Iowa law enforcement academy for the
 28 fiscal year beginning July 1, 2010, and ending June 30,

29 2011, the following amount, or so much thereof as is
 30 necessary, to be used for the purposes designated:
 31 For salaries, support, maintenance, miscellaneous
 32 purposes, including jailer training and technical
 33 assistance, and for not more than the following
 34 full-time equivalent positions:

35 \$ 1,049,430
 36 FTEs 30.55

37 It is the intent of the general assembly that the
 38 Iowa law enforcement academy may provide training of
 39 state and local law enforcement personnel concerning
 40 the recognition of and response to persons with
 41 Alzheimer's disease.

42 The Iowa law enforcement academy may temporarily
 43 exceed and draw more than the amount appropriated and
 44 incur a negative cash balance as long as there are
 45 receivables equal to or greater than the negative
 46 balance and the amount appropriated in this subsection
 47 is not exceeded at the close of the fiscal year.

48 2. The Iowa law enforcement academy may select
 49 at least five automobiles of the department of public
 50 safety, division of state patrol, prior to turning over

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1 the automobiles to the department of administrative
 2 services to be disposed of by public auction, and
 3 the Iowa law enforcement academy may exchange any
 4 automobile owned by the academy for each automobile
 5 selected if the selected automobile is used in training
 6 law enforcement officers at the academy. However,
 7 any automobile exchanged by the academy shall be
 8 substituted for the selected vehicle of the department
 9 of public safety and sold by public auction with the
 10 receipts being deposited in the depreciation fund to
 11 the credit of the department of public safety, division
 12 of state patrol.

13 Sec. 12. BOARD OF PAROLE. There is appropriated
 14 from the general fund of the state to the board of
 15 parole for the fiscal year beginning July 1, 2010, and
 16 ending June 30, 2011, the following amount, or so much
 17 thereof as is necessary, to be used for the purposes
 18 designated:

19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-time
 21 equivalent positions:

22 \$ 1,045,259
 23 FTEs 13.50

24 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 25 appropriated from the general fund of the state to
 26 the department of public defense for the fiscal year
 27 beginning July 1, 2010, and ending June 30, 2011, the

28 following amounts, or so much thereof as is necessary,
29 to be used for the purposes designated:

30 1. MILITARY DIVISION

31 For salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:

34 \$ 6,249,201
35 FTEs 24.00

36 The military division may temporarily exceed and
37 draw more than the amount appropriated and incur a
38 negative cash balance as long as there are receivables
39 of federal funds equal to or greater than the negative
40 balance and the amount appropriated in this subsection
41 is not exceeded at the close of the fiscal year.

42 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
43 DIVISION

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

47 \$ 2,038,119
48 FTEs 33.00

49 The homeland security and emergency management
50 division may temporarily exceed and draw more than the

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1 amount appropriated and incur a negative cash balance
2 as long as there are receivables of federal funds equal
3 to or greater than the negative balance and the amount
4 appropriated in this subsection is not exceeded at the
5 close of the fiscal year.

6 It is the intent of the general assembly that the
7 homeland security and emergency management division
8 work in conjunction with the department of public
9 safety, to the extent possible, when gathering and
10 analyzing information related to potential domestic
11 or foreign security threats, and when monitoring such
12 threats.

13 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
14 appropriated from the general fund of the state to
15 the department of public safety for the fiscal year
16 beginning July 1, 2010, and ending June 30, 2011, the
17 following amounts, or so much thereof as is necessary,
18 to be used for the purposes designated:

19 1. For the department's administrative functions,
20 including the criminal justice information system, and
21 for not more than the following full-time equivalent
22 positions:

23 \$ 4,134,461
24 FTEs 36.00

25 2. For the division of criminal investigation,
26 including the state's contribution to the peace

27 officers' retirement, accident, and disability system
 28 provided in chapter 97A in the amount of the state's
 29 normal contribution rate, as defined in section
 30 97A.8, multiplied by the salaries for which the
 31 funds are appropriated, to meet federal fund matching
 32 requirements, and for not more than the following
 33 full-time equivalent positions:
 34 \$ 12,861,710
 35 FTEs 162.10

36 If any of the Indian tribes fail to pay for 1.00 FTE
 37 pursuant to the agreements or compacts entered into
 38 between the state and the Indian tribes pursuant to
 39 section 10A.104, subsection 10, the number of full-time
 40 equivalent positions authorized under this subsection
 41 is reduced by 1.00 FTE.

42 The department shall employ one additional special
 43 agent and one additional criminalist for the purpose
 44 of investigating cold cases. Prior to employing the
 45 additional special agent and criminalist authorized
 46 in this paragraph, the department shall provide a
 47 written statement to prospective employees that states
 48 to the effect that the positions are being funded by
 49 a temporary federal grant and there are no assurances
 50 that funds from other sources will be available after

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1 the federal funding expires. If the federal funding
 2 for the additional positions expires during the fiscal
 3 year, the number of full-time equivalent positions
 4 authorized in this subsection is reduced by 2.00 FTEs.

5 The department of public safety, with the approval
 6 of the department of management, may employ no more
 7 than two special agents and four gaming enforcement
 8 officers for each additional riverboat or gambling
 9 structure regulated after July 1, 2010, and one
 10 special agent for each racing facility which becomes
 11 operational during the fiscal year which begins July
 12 1, 2010. One additional gaming enforcement officer,
 13 up to a total of four per riverboat or gambling
 14 structure, may be employed for each riverboat or
 15 gambling structure that has extended operations to 24
 16 hours and has not previously operated with a 24-hour
 17 schedule. Positions authorized in this paragraph are
 18 in addition to the full-time equivalent positions
 19 otherwise authorized in this subsection.

20 3. For the criminalistics laboratory fund created
 21 in section 691.9:

22 \$ 302,345

23 4. a. For the division of narcotics enforcement,
 24 including the state's contribution to the peace
 25 officers' retirement, accident, and disability system

26 provided in chapter 97A in the amount of the state's
 27 normal contribution rate, as defined in section
 28 97A.8, multiplied by the salaries for which the
 29 funds are appropriated, to meet federal fund matching
 30 requirements, and for not more than the following
 31 full-time equivalent positions:
 32 \$ 6,507,048
 33 FTEs 75.00
 34 b. For the division of narcotics enforcement for
 35 undercover purchases:
 36 \$ 109,042
 37 5. For the division of state fire marshal, for fire
 38 protection services as provided through the state fire
 39 service and emergency response council as created in
 40 the department, and for the state's contribution to the
 41 peace officers' retirement, accident, and disability
 42 system provided in chapter 97A in the amount of the
 43 state's normal contribution rate, as defined in section
 44 97A.8, multiplied by the salaries for which the funds
 45 are appropriated, and for not more than the following
 46 full-time equivalent positions:
 47 \$ 4,343,896
 48 FTEs 57.00
 49 6. For the division of state patrol, for salaries,
 50 support, maintenance, workers' compensation costs,

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1 and miscellaneous purposes, including the state's
 2 contribution to the peace officers' retirement,
 3 accident, and disability system provided in chapter 97A
 4 in the amount of the state's normal contribution rate,
 5 as defined in section 97A.8, multiplied by the salaries
 6 for which the funds are appropriated, and for not more
 7 than the following full-time equivalent positions:
 8 \$ 48,984,147
 9 FTEs 503.00
 10 It is the intent of the general assembly that
 11 members of the state patrol be assigned to patrol
 12 the highways and roads in lieu of assignments for
 13 inspecting school buses for the school districts.
 14 7. For deposit in the sick leave benefits fund
 15 established under section 80.42 for all departmental
 16 employees eligible to receive benefits for accrued sick
 17 leave under the collective bargaining agreement:
 18 \$ 279,517
 19 8. For costs associated with the training and
 20 equipment needs of volunteer fire fighters:
 21 \$ 612,255
 22 Notwithstanding section 8.33, moneys appropriated in
 23 this subsection that remain unencumbered or unobligated
 24 at the close of the fiscal year shall not revert but

25 shall remain available for expenditure only for the
26 purpose designated in this subsection until the close
27 of the succeeding fiscal year.

28 Notwithstanding section 8.39, within the moneys
29 appropriated in this section the department of public
30 safety may reallocate moneys as necessary to best
31 fulfill the needs provided for in the appropriation.
32 However, the department shall not reallocate an
33 appropriation made to the department in this section
34 unless notice of the reallocation is given to the
35 legislative services agency and the department
36 of management prior to the effective date of the
37 reallocation. The notice shall include information
38 about the rationale for reallocating the appropriation.
39 The department shall not reallocate an appropriation
40 made in this section for the purpose of eliminating any
41 program.

42 Sec. 15. GAMING ENFORCEMENT. There is appropriated
43 from the gaming enforcement revolving fund created in
44 section 80.43 to the department of public safety for
45 the fiscal year beginning July 1, 2010, and ending June
46 30, 2011, the following amount, or so much thereof as
47 is necessary, to be used for the purposes designated:
48 For any direct and indirect support costs for
49 agents and officers of the division of criminal
50 investigation's excursion gambling boat, gambling

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1	structure, and racetrack enclosure enforcement	
2	activities, including salaries, support, maintenance,	
3	miscellaneous purposes, and for not more than the	
4	following full-time equivalent positions:	
5	\$ 8,851,775
6	FTEs 115.00

7 However, for each additional license to conduct
8 gambling games on an excursion gambling boat, gambling
9 structure, or racetrack enclosure issued during the
10 period beginning July 1, 2009, through June 30, 2011,
11 there is appropriated from the gaming enforcement fund
12 to the department of public safety for the fiscal year
13 beginning July 1, 2010, and ending June 30, 2011, an
14 additional amount of not more than \$521,000 to be used
15 for not more than 6.00 additional full-time equivalent
16 positions.

17 Sec. 16. CIVIL RIGHTS COMMISSION. There is
18 appropriated from the general fund of the state to the
19 Iowa state civil rights commission for the fiscal year
20 beginning July 1, 2010, and ending June 30, 2011, the
21 following amount, or so much thereof as is necessary,
22 to be used for the purposes designated:
23 For salaries, support, maintenance, miscellaneous

24 purposes, and for not more than the following full-time
 25 equivalent positions:
 26 \$ 1,379,861
 27 FTEs 29.50

28 The Iowa state civil rights commission may enter
 29 into a contract with a nonprofit organization to
 30 provide legal assistance to resolve civil rights
 31 complaints.
 32 Sec. 17. EFFECTIVE UPON ENACTMENT. The provision
 33 of this division of this Act eliminating the chief
 34 security officer position within the department of
 35 corrections, being deemed of immediate importance,
 36 takes effect upon enactment.

37 DIVISION __II
 38 COURT COSTS - FINES

39 Sec. 18. Section 602.8106, subsection 1, paragraphs
 40 a, b, d, and e, Code Supplement 2009, are amended to
 41 read as follows:

42 a. Except as otherwise provided in paragraphs "b"
 43 and "c", for filing and docketing a criminal case to
 44 be paid by the county or city which has the duty to
 45 prosecute the criminal action, payable as provided
 46 in section 602.8109, one hundred twenty dollars.
 47 When judgment is rendered against the defendant,
 48 costs collected from the defendant shall be paid to
 49 the county or city which has the duty to prosecute
 50 the criminal action to the extent necessary for

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1 reimbursement for fees paid. However, the fees which
 2 are payable by the county to the clerk of the district
 3 court for services rendered in criminal actions
 4 prosecuted under state law and the court costs taxed in
 5 connection with the trial of those actions or appeals
 6 from the judgments in those actions are waived.

7 b. For filing and docketing of a complaint or
 8 information for a simple misdemeanor and a complaint or
 9 information for a nonscheduled simple misdemeanor under
 10 chapter 321, ~~sixty~~ seventy dollars.

11 d. The court costs in scheduled violation cases
 12 where a court appearance is required, ~~sixty~~
 13 seventy dollars.

14 e. For court costs in scheduled violation cases
 15 where a court appearance is not required, ~~sixty~~
 16 seventy dollars.

17 Sec. 19. Section 805.8A, Code Supplement 2009, is
 18 amended to read as follows:

19 805.8A Motor vehicle and transportation scheduled
 20 violations.

21 1. Parking violations.

22 a. For parking violations under sections 321.236,

23 321.239, 321.358, 321.360, and 321.361, the scheduled
 24 fine is five dollars, except if the local authority has
 25 established the fine by ordinance. The scheduled fine
 26 for a parking violation pursuant to section 321.236
 27 increases by five dollars, if authorized by ordinance
 28 and if the parking violation is not paid within thirty
 29 days of the date upon which the violation occurred.
 30 For purposes of calculating the unsecured appearance
 31 bond required under section 805.6, the scheduled fine
 32 shall be five dollars, or if the amount of the fine is
 33 greater than five dollars, the unsecured appearance
 34 bond shall be the amount of the fine established by
 35 the local authority. However, violations charged
 36 by a city or county upon simple notice of a fine
 37 instead of a uniform citation and complaint required
 38 by section 321.236, subsection 1, paragraph "b", are
 39 not scheduled violations, and this section shall not
 40 apply to any offense charged in that manner. For a
 41 parking violation under section ~~321.362~~ or 461A.38, the
 42 scheduled fine is ten dollars. For parking violations
 43 under section 321.362, the scheduled fine is twenty
 44 dollars.
 45 b. For a parking violation under section 321L.2A,
 46 subsection 2, the scheduled fine is twenty dollars.
 47 c. For violations under section 321L.2A, subsection
 48 3, sections 321L.3, 321L.4, subsection 2, and section
 49 321L.7, the scheduled fine is one hundred ten dollars.
 50 2. Title or registration violations.

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1 a. For violations under sections 321.32, 321.34,
 2 321.37, 321.38, and 321.41, the scheduled fine is
 3 ~~ten~~ twenty dollars.
 4 b. (1) For violations under sections 321.115 and
 5 321.115A, the scheduled fine is thirty dollars.
 6 (2) For violations under sections 321.17, 321.47,
 7 321.55, and 321.98, ~~321.115, and 321.115A,~~ the
 8 scheduled fine is ~~thirty~~ forty dollars.
 9 c. For violations under sections 321.25, 321.45,
 10 321.46, 321.48, 321.52, 321.57, 321.62, 321.67, and
 11 321.104, the scheduled fine is ~~forty~~ sixty dollars.
 12 d. For a violation under section 321.99, the
 13 scheduled fine is one hundred ten dollars.
 14 3. Equipment violations.
 15 a. For violations under sections 321.317,
 16 321.386, 321.387, 321.388, 321.389, 321.390, 321.392,
 17 321.393, 321.422, 321.432, 321.436, 321.439, 321.440,
 18 321.441, 321.442, and 321.444, the scheduled fine is
 19 ~~ten~~ twenty dollars.
 20 b. For improperly used or nonused, or defective or
 21 improper equipment, other than brakes, driving lights

22 and brake lights, under section 321.437, the scheduled
23 fine is ~~ten~~ twenty dollars.
24 c. For violations under sections 321.382, and
25 321.404A, ~~and 321.438~~, the scheduled fine is
26 ~~fifteen~~ twenty-five dollars.
27 d. For violations of sections 321.383, 321.384,
28 321.385, 321.398, 321.402, 321.403, 321.404, 321.409,
29 321.415, 321.419, 321.420, 321.421, 321.423, and
30 321.433, the scheduled fine is ~~twenty~~ thirty dollars.
31 e. For a violation of section 321.430, the
32 scheduled fine is ~~thirty-five~~ forty-five dollars.
33 f. (1) For violations under section 321.234A and
34 321.438, the scheduled fine is fifty dollars.
35 (2) For violations under sections
36 ~~321.234A~~, 321.247, 321.381, and 321.381A, the scheduled
37 fine is ~~fifty~~ sixty dollars.
38 4. Driver's license violations.
39 a. For violations under sections 321.174A, 321.180,
40 321.180B, 321.193, and 321.194, the scheduled fine is
41 ~~thirty~~ forty dollars.
42 b. For a violation of section 321.216, the
43 scheduled fine is ~~seventy-five~~ eighty-five dollars.
44 c. For violations under sections 321.174, 321.216B,
45 321.216C, 321.219, and 321.220, the scheduled fine is
46 one hundred ~~ten~~ dollars.
47 5. Speed violations.
48 a. For excessive speed violations in excess of the
49 limit under section 321.236, subsections 5 and 11,
50 sections 321.285, and 461A.36, the scheduled fine shall

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1 be the following:
2 (1) ~~Ten~~ Twenty dollars for speed not more than five
3 miles per hour in excess of the limit.
4 (2) ~~Twenty~~ Forty dollars for speed greater than
5 five but not more than ten miles per hour in excess of
6 the limit.
7 (3) ~~Thirty~~ Fifty dollars for speed greater than ten
8 but not more than fifteen miles per hour in excess of
9 the limit.
10 (4) ~~Forty~~ Sixty dollars for speed greater than
11 fifteen but not more than twenty miles per hour in
12 excess of the limit.
13 (5) ~~Forty~~ Sixty dollars plus two dollars for each
14 mile per hour of excessive speed over twenty miles per
15 hour over the limit.
16 b. Notwithstanding paragraph "a", for excessive
17 speed violations in speed zones greater than fifty-five
18 miles per hour, the scheduled fine shall be:
19 (1) ~~Twenty~~ Thirty dollars for speed not more than
20 five miles per hour in excess of the limit.

21 (2) ~~Forty Sixty~~ dollars for speed greater than five
 22 but not more than ten miles per hour in excess of the
 23 limit.
 24 (3) ~~Sixty Eighty~~ dollars for speed greater than ten
 25 but not more than fifteen miles per hour in excess of
 26 the limit.
 27 (4) ~~Eighty One hundred~~ dollars for speed greater
 28 than fifteen but not more than twenty miles per hour in
 29 excess of the limit.
 30 (5) ~~Ninety One hundred ten~~ dollars plus five
 31 dollars for each mile per hour of excessive speed over
 32 twenty miles per hour over the limit.
 33 c. Excessive speed in whatever amount by a school
 34 bus is not a scheduled violation under any section
 35 listed in this subsection.
 36 d. Excessive speed in conjunction with a violation
 37 of section 321.278 is not a scheduled violation,
 38 whatever the amount of excess speed.
 39 e. For a violation under section 321.295, the
 40 scheduled fine is ~~thirty forty~~ dollars.
 41 6. Operating violations.
 42 a. For a violation under section 321.236,
 43 subsections 3, 4, 9, and 12, the scheduled fine is
 44 twenty dollars.
 45 b. For violations under section 321.275,
 46 subsections 1 through 7, sections ~~321.277A~~, 321.315,
 47 321.316, 321.318, 321.363, and 321.365, the scheduled
 48 fine is ~~twenty-five thirty-five~~ dollars.
 49 c. (1) For violations under sections ~~321.288,~~
 50 ~~321.297, 321.299, 321.303, 321.304, subsections~~

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1 ~~1 and 2, sections 321.305, 321.306, 321.311,~~
 2 ~~321.312, 321.314, 321.323, 321.340, 321.353,~~
 3 ~~321.354, and 321.395, the scheduled fine is~~
 4 ~~thirty five forty-five~~ dollars.
 5 (2) For violations under sections 321.277A,
 6 321.297, 321.299, 321.303, 321.304, subsections 1 and
 7 2, 321.305, 321.312, and 321.320, the scheduled fine is
 8 seventy-five dollars.
 9 (3) For violations under section 321.288, the
 10 scheduled fine is one hundred dollars.
 11 d. For violations under sections 321.302 and
 12 321.366, the scheduled fine is ~~forty sixty~~ dollars.
 13 7. Failure to yield or obey violations.
 14 a. ~~For a violation by an operator of a motor~~
 15 ~~vehicle under section 321.257, subsection 2, the~~
 16 ~~scheduled fine is thirty five dollars.~~
 17 b. a. For violations under sections
 18 ~~321.298, 321.307, 321.308, 321.313, 321.319, 321.320,~~
 19 ~~321.321, 321.327, 321.329, and 321.333, the scheduled~~

20 fine is ~~thirty five~~ forty-five dollars.
21 b. For a violation under section 321.321, the
22 scheduled fine is fifty dollars.
23 c. For violations under sections 321.298 and
24 321.320, the scheduled fine is seventy-five dollars.
25 d. For a violation by an operator of a motor
26 vehicle under section 321.257, subsection 2, the
27 scheduled fine is seventy-five dollars.
28 8. Traffic sign or signal violations.
29 a. For violations under section 321.236,
30 subsections 2 and 6, sections 321.256, 321.294,
31 321.304, subsection 3, and section 321.322, the
32 scheduled fine is thirty-five dollars.
33 b. For a violation under section 321.294, the
34 scheduled fine is forty-five dollars.
35 c. For violations of sections 321.256, 321.304,
36 subsection 3, and 321.322, the scheduled fine is
37 seventy-five dollars.
38 9. Bicycle or pedestrian violations.
39 a. For violations by a pedestrian or a bicyclist
40 under section 321.234, subsections 3 and 4, section
41 321.236, subsection 10, section 321.257, subsection
42 2, section 321.275, subsection 8, section 321.325,
43 321.326, 321.328, 321.331, 321.332, 321.397, or and
44 section 321.434, the scheduled fine is fifteen dollars.
45 b. For violations by a pedestrian or bicyclist
46 under section 321.234, subsections 3 and 4, section
47 321.257, subsection 2, section 321.275, subsection
48 8, and sections 321.325, 321.326, 321.328, 321.331,
49 321.332, and 321.397, the scheduled fine is twenty-five
50 dollars.

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1 9A. Electric personal assistive mobility device
2 violations. For violations under section 321.235A, the
3 scheduled fine is fifteen dollars.
4 10. School bus violations.
5 a. For violations by an operator of a
6 school bus under sections 321.285 and 321.372,
7 subsections 1 and 2, the scheduled fine is
8 ~~thirty five~~ forty-five dollars. However, an excessive
9 speed violation by a school bus of more than ten miles
10 per hour in excess of the limit is not a scheduled
11 violation.
12 b. For a violation under section 321.372,
13 subsection 3, the scheduled fine is one hundred
14 ten dollars.
15 11. Emergency vehicle violations.
16 a. For violations under sections 321.231,
17 321.367, and 321.368, the scheduled fine is
18 ~~thirty five~~ forty-five dollars.

19 b. For a violation under section 321.323A or
20 321.324, the scheduled fine is ~~forty~~ sixty dollars.
21 12. Restrictions on vehicles.
22 a. For violations under sections 321.309, 321.310,
23 321.394, 321.461, and 321.462, the scheduled fine is
24 ~~twenty-five~~ thirty-five dollars.
25 b. For violations under section 321.437, the
26 scheduled fine is ~~twenty-five~~ thirty-five dollars.
27 c. For height, length, width, and load violations
28 under sections 321.454, 321.455, 321.456, 321.457, and
29 321.458, the scheduled fine is one hundred ten dollars.
30 d. For violations under section 321.466, the
31 scheduled fine is twenty dollars for each two thousand
32 pounds or fraction thereof of overweight.
33 e. (1) Violations of the schedule of axle
34 and tandem axle and gross or group of axle weight
35 violations in section 321.463 shall be scheduled
36 violations subject to the provisions, procedures, and
37 exceptions contained in sections 805.6 through 805.11,
38 irrespective of the amount of the fine under that
39 schedule.
40 (a) Violations of the schedule of weight violations
41 shall be chargeable, where the fine charged does not
42 exceed one thousand dollars, only by uniform citation
43 and complaint.
44 (b) Violations of the schedule of weight
45 violations, where the fine charged exceeds one
46 thousand dollars shall, when the violation is
47 admitted and section 805.9 applies, be chargeable
48 upon uniform citation and complaint, indictment, or
49 county attorney's information, but otherwise shall be
50 chargeable only upon indictment or county attorney's

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1 information.
2 (2) In all cases of charges under the schedule of
3 weight violations, the charge shall specify the amount
4 of fine charged under the schedule. Where a defendant
5 is convicted and the fine under the foregoing schedule
6 of weight violations exceeds one thousand dollars, the
7 conviction shall be of an indictable offense although
8 section 805.9 is employed and whether the violation
9 is charged upon uniform citation and complaint,
10 indictment, or county attorney's information.
11 f. For a violation under section 321E.16, other
12 than the provisions relating to weight, the scheduled
13 fine is one hundred ten dollars.
14 13. Motor carrier violations.
15 a. (1) For violations under sections
16 ~~321.54~~, 326.22, and 326.23, the scheduled fine
17 is twenty dollars.

18 (2) For a violation under section 321.54, the
19 scheduled fine is thirty dollars.
20 b. For a violation under section 321.449, the
21 scheduled fine is ~~twenty five~~ fifty dollars.
22 c. (1) For violations under sections 321.364,
23 ~~321.450, 321.460,~~ and 452A.52, the scheduled fine is
24 one hundred dollars.
25 (2) For violations under sections 321.450 and
26 321.460, the scheduled fine is one hundred ten dollars.
27 d. For violations of section 325A.3, subsection
28 5, or section 325A.8, the scheduled fine is
29 ~~forty six~~ sixty dollars.
30 e. For violations of chapter 325A, other than a
31 violation of section 325A.3, subsection 5, or section
32 325A.8, the scheduled fine is two hundred fifty
33 dollars.
34 f. For failure to have proper carrier
35 identification markings under section 327B.1, the
36 scheduled fine is ~~forty six~~ sixty dollars.
37 g. For failure to have proper evidence of
38 interstate authority carried or displayed under section
39 327B.1, and for failure to register, carry, or display
40 evidence that interstate authority is not required
41 under section 327B.1, the scheduled fine is two hundred
42 ~~forty six~~ sixty dollars.
43 14. Miscellaneous violations.
44 a. Failure to obey a peace officer. For a
45 violation under section 321.229, the scheduled fine is
46 ~~thirty five~~ forty-five dollars.
47 b. Abandoning a motor vehicle. For a violation
48 under section 321.91, the scheduled fine is one hundred
49 ten dollars.
50 c. Seat belt or restraint violations. For

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1 violations under sections 321.445 and 321.446, the
2 scheduled fine is ~~twenty five~~ seventy-five dollars.
3 d. Litter and debris violations. For violations
4 under sections 321.369 and 321.370, the scheduled fine
5 is ~~seventy eight~~ eighty dollars.
6 e. Open container violations. For violations under
7 sections 321.284 and 321.284A, the scheduled fine is
8 one hundred fifty dollars.
9 f. Proof of financial responsibility. If, in
10 connection with a motor vehicle accident, a person is
11 charged and found guilty of a violation of section
12 321.20B, subsection 1, the scheduled fine is five
13 hundred dollars; otherwise, the scheduled fine for
14 a violation of section 321.20B, subsection 1, is
15 two hundred fifty dollars. Notwithstanding section
16 805.12, fines collected pursuant to this paragraph

17 shall be submitted to the state court administrator and
18 distributed fifty percent to the victim compensation
19 fund established in section 915.94, twenty-five percent
20 to the county in which such fine is imposed, and
21 twenty-five percent to the general fund of the state.
22 g. Radar-jamming devices. For a violation
23 under section 321.232, the scheduled fine is
24 ~~forty~~ sixty dollars.
25 h. Railroad crossing violations.
26 (1) For violations under sections 321.341, 321.342,
27 321.343, and 321.344, the scheduled fine is one hundred
28 ten dollars.
29 (2) For a violation under section 321.344B, the
30 scheduled fine is two hundred dollars.
31 i. Road work zone violations. The scheduled fine
32 for any moving traffic violation under chapter 321,
33 as provided in this section, shall be doubled if the
34 violation occurs within any road work zone, as defined
35 in section 321.1. However, notwithstanding subsection
36 5, the scheduled fine for violating the speed limit in
37 a road work zone is as follows:
38 (1) One hundred fifty dollars for speed not more
39 than ten miles per hour over the posted speed limit.
40 (2) Three hundred dollars for speed greater than
41 ten but not more than twenty miles per hour over the
42 posted speed limit.
43 (3) Five hundred dollars for speed greater than
44 twenty but not more than twenty-five miles per hour
45 over the posted speed limit.
46 (4) One thousand dollars for speed greater than
47 twenty-five miles per hour over the posted speed limit.
48 j. Vehicle component parts records violations. For
49 violations under section 321.95, the scheduled fine is
50 fifty dollars.

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1 Sec. 20. Section 805.8C, subsection 6, paragraph a,
2 Code Supplement 2009, is amended to read as follows:
3 a. If the violation is a first offense, the
4 scheduled fine is one hundred ten dollars.
5 DIVISION III
6 PUBLIC SAFETY ENFORCEMENT FUND
7 Sec. 21. PUBLIC SAFETY ENFORCEMENT FUND ESTABLISHED
8 – TEMPORARY ALLOCATION OF FINES AND FEES.
9 1. A public safety enforcement fund is created in
10 the state treasury under the control of the treasurer
11 of state. Notwithstanding section 602.8108, the state
12 court administrator shall allocate to the treasurer
13 of state for deposit in the public safety enforcement
14 fund the first eight million eight hundred thousand
15 dollars of the moneys received under section 602.8108,

16 subsection 2, during the fiscal year beginning July 1,
17 2010, and ending June 30, 2011. Moneys deposited into
18 the fund are appropriated to the treasurer of state for
19 allocation as provided in subsection 2.

20 2. The treasurer of state shall allocate to the
21 following entities the following amounts from the
22 public safety enforcement fund for the fiscal year
23 beginning July 1, 2010, and ending June 30, 2011:

24 a. To the department of corrections, \$502,810 and
25 of the amount allocated in this paragraph, \$402,810
26 shall be allocated by the department of corrections
27 to the sixth judicial district of department of
28 correctional services, and \$100,000 shall be
29 allocated to the first judicial district department of
30 correctional services.

31 b. To the department of corrections, \$2,497,190 and
32 of the amount allocated in this paragraph, \$1,451,000
33 shall be allocated by the department of corrections
34 for the operation of the Fort Madison correctional
35 facility, \$846,190 shall be allocated for the operation
36 of the Luster Heights facility, and \$200,000 shall be
37 allocated for the operation of the Anamosa correctional
38 facility.

39 c. To the department of public safety, \$150,000 for
40 costs associated with the training and equipment needs
41 of volunteer fire fighters.

42 d. To the department of public safety, \$250,000.

43 e. To the Iowa civil rights commission, \$100,000.

44 f. To the judicial branch, \$5,300,000.

45 3. Moneys remaining in the fund at or after the
46 close of the fiscal year shall revert to the general
47 fund of the state.

48 4. This section is repealed June 30, 2011.

49 DIVISION ___IV

50 GAMING ENFORCEMENT FUND AND MISCELLANEOUS PROVISIONS

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1 Sec. 22. 2010 Iowa Acts, [Senate File 2088](#), section
2 62, is amended to read as follows:
3 SEC. 62. COMMUNITY-BASED CORRECTIONS – STATE
4 ~~ACCOUNTING BUDGETING~~ SYSTEM. Each judicial district
5 department of correctional services shall utilize the
6 state ~~accounting budgeting~~ system for purposes of
7 tracking both appropriations and expenditures. Each
8 judicial district department shall coordinate its
9 ~~accounting budgeting~~ activities with the department
10 of management for purposes of implementing the
11 requirements of this section.

12 Sec. 23. Section 8A.302, subsection 1, as amended
13 by 2010 Iowa Acts, [Senate File 2088](#), section 71, is
14 amended to read as follows:

15 1. Providing a system of uniform standards and
16 specifications for purchasing. When the system is
17 developed, all items of general use shall be purchased
18 by state agencies through the department, except items
19 provided for under section 904.808 or items used by
20 the state board of regents and institutions under
21 the control of the state board of regents. However,
22 the department may authorize the department of
23 transportation, the department for the blind, and
24 any other agencies otherwise exempted by law from
25 centralized purchasing, to directly purchase items used
26 by those agencies without going through the department,
27 if the department of administrative services determines
28 such purchasing is in the best interests of the state.
29 However, items of general use may be purchased through
30 the department by any governmental entity.

31 Sec. 24. NEW SECTION. 80.43 Gaming enforcement –
32 revolving fund.

33 1. A gaming enforcement revolving fund is created
34 in the state treasury under the control of the
35 department. The fund shall consist of fees collected
36 and deposited into the fund paid by licensees pursuant
37 to section 99D.14, subsection 2, paragraph "b", and
38 fees paid by licensees pursuant to section 99F.10,
39 subsection 4, paragraph "b". All costs for agents and
40 officers plus any direct and indirect support costs for
41 such agents and officers of the division of criminal
42 investigation's racetrack, excursion boat, or gambling
43 structure enforcement activities shall be paid from
44 the fund as provided in appropriations made for this
45 purpose by the general assembly.

46 2. To meet the department's cash flow needs, the
47 department may temporarily use funds from the general
48 fund of the state to pay expenses in excess of moneys
49 available in the revolving fund if those additional
50 expenditures are fully reimbursable and the department

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1 reimburses the general fund of the state and ensures
2 all moneys are repaid in full by the close of the
3 fiscal year. Because any general fund moneys used
4 shall be fully reimbursed, such temporary use of funds
5 from the general fund of the state shall not constitute
6 an appropriation for purposes of calculating the state
7 general fund expenditure limitation pursuant to section
8 8.54.

9 3. Section 8.33 does not apply to any moneys
10 credited or appropriated to the revolving fund from
11 any other fund and, notwithstanding section 12C.7,
12 subsection 2, earnings or interest on moneys deposited
13 in the revolving fund shall be credited to the

14 revolving fund.

15 Sec. 25. Section 99D.14, subsection 2, Code 2009,
16 is amended to read as follows:

17 2. a. A licensee shall pay a regulatory fee to be
18 charged as provided in this section. In determining
19 the regulatory fee to be charged as provided under
20 this section, the commission shall use the amount
21 appropriated to the commission plus the cost of
22 salaries for no more than two special agents for
23 each racetrack that has not been issued a table games
24 license under chapter 99F or no more than three special
25 agents for each racetrack that has been issued a table
26 games license under chapter 99F, plus any direct and
27 indirect support costs for the agents, for the division
28 of criminal investigation's racetrack activities, as
29 the basis for determining the amount of revenue to be
30 raised from the regulatory fee.

31 b. Notwithstanding sections 8.60 and 99D.17,
32 the portion of the fee paid pursuant to paragraph
33 "a" relating to the costs of special agents plus any
34 direct and indirect support costs for the agents, for
35 the division of criminal investigation's racetrack
36 activities, shall not be deposited in the general
37 fund of the state but instead shall be deposited into
38 the gaming enforcement revolving fund established in
39 section 80.43.

40 Sec. 26. Section 99F.10, subsection 4, Code 2009,
41 is amended to read as follows:

42 4. a. In determining the license fees and state
43 regulatory fees to be charged as provided under section
44 99F.4 and this section, the commission shall use as
45 the basis for determining the amount of revenue to be
46 raised from the license fees and regulatory fees the
47 amount appropriated to the commission plus the cost of
48 salaries for no more than two special agents for each
49 excursion gambling boat or gambling structure and no
50 more than four gaming enforcement officers for each

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1 excursion gambling boat or gambling structure with a
2 patron capacity of less than two thousand persons or
3 no more than five gaming enforcement officers for each
4 excursion gambling boat or gambling structure with
5 a patron capacity of at least two thousand persons,
6 plus any direct and indirect support costs for the
7 agents and officers, for the division of criminal
8 investigation's excursion gambling boat or gambling
9 structure activities.

10 b. Notwithstanding sections 8.60 and 99F.4,
11 the portion of the fee paid pursuant to paragraph
12 "a" relating to the costs of special agents and

13 officers plus any direct and indirect support costs
 14 for the agents and officers, for the division of
 15 criminal investigation's excursion gambling boat or
 16 gambling structure activities, shall not be deposited
 17 in the general fund of the state but instead shall be
 18 deposited into the gaming enforcement revolving fund
 19 established in section 80.43.

20 Sec. 27. Section 809A.17, subsection 5, Code 2009,
 21 is amended by adding the following new paragraph:

22 NEW PARAGRAPH. e. If the forfeited property is
 23 cash or proceeds from the sale of real property the
 24 distribution of the forfeited property shall be as
 25 follows:

26 (1) The department of justice shall not retain more
 27 than ten percent of the gross sale of any forfeited
 28 real property. The balance of the proceeds shall be
 29 distributed to the seizing agency for use by the agency
 30 or for division among law enforcement agencies and
 31 county attorneys pursuant to any agreement entered into
 32 by the seizing agency.

33 (2) The department of justice shall not retain more
 34 than ten percent of any forfeited cash. The balance
 35 shall be distributed to the seizing agency for use
 36 by the agency or for division among law enforcement
 37 agencies and county attorneys pursuant to any agreement
 38 entered into by the seizing agency.

39 (3) In the event of a cash forfeiture in excess
 40 of four hundred thousand dollars the distribution of
 41 forfeited cash shall be as follows:

42 (a) Forty-five percent shall be retained by the
 43 seizing agency.

44 (b) Forty-five percent shall be distributed to
 45 other law enforcement agencies within the region of the
 46 seizing agency.

47 (c) Ten percent shall be retained by the department
 48 of justice.

49 Sec. 28. Section 904.315, subsection 2, Code
 50 Supplement 2009, is amended to read as follows:

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1 2. A contract is not required for improvements at
 2 a state institution where the labor of inmates is to
 3 be used if the contract is not for a construction,
 4 reconstruction, demolition, or repair project or
 5 improvement with an estimated cost in excess of
 6 ~~forty one hundred~~ one hundred thousand dollars.

7 Sec. 29. Section 904A.4B, Code 2009, is amended to
 8 read as follows:

9 904A.4B Executive director of the board of parole –
 10 duties.

11 1. The chief administrative officer of the board

12 of parole shall be the executive director, except as
13 provided in subsection 2. The executive director
14 shall be appointed by the chairperson, subject to the
15 approval of the board and shall serve at the pleasure
16 of the board. The executive director shall do all of
17 the following:

- 18 ~~4~~ a. Advise the board on matters relating to
- 19 parole, work release, and executive clemency, and
- 20 advise the board on matters involving automation and
- 21 word processing.
- 22 ~~2~~ b. Carry out all directives of the board.
- 23 ~~3~~ c. Hire and supervise all of the board's staff
- 24 pursuant to the provisions of chapter 8A, subchapter
- 25 IV.
- 26 ~~4~~ d. Act as the board's liaison with the general
- 27 assembly.
- 28 ~~5~~ e. Prepare a budget for the board, subject
- 29 to the approval of the board, and prepare all other
- 30 reports required by law.
- 31 ~~6~~ f. Develop long-range parole and work release
- 32 planning, in cooperation with the department of
- 33 corrections.

34 2. If an executive director is not appointed
35 as provided in subsection 1, the chairperson shall
36 serve as acting executive director and perform the
37 administrative duties under subsection 1.

38 Sec. 30. IOWA COMMUNICATIONS NETWORK. It is the
39 intent of the general assembly that the executive
40 branch agencies receiving an appropriation in this Act
41 utilize the Iowa communications network or secure other
42 electronic communications in lieu of traveling for the
43 fiscal year addressed by the appropriations.

44 Sec. 31. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
45 DIVISION. There is appropriated from the wireless
46 E911 emergency communications fund created in section
47 34A.7A to the administrator of the homeland security
48 and emergency management division of the department of
49 public defense for the fiscal year beginning July 1,
50 2010, and ending June 30, 2011, an amount not exceeding

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1 \$200,000 to be used for implementation, support, and
2 maintenance of the functions of the administrator and
3 program manager under chapter 34A and to employ the
4 auditor of the state to perform an annual audit of the
5 wireless E911 emergency communications fund.

6 Sec. 32. CORRECTIONAL OFFICER AND PEACE OFFICER –
7 PRIORITY. As a condition of receiving an appropriation
8 in this Act, the department of corrections and the
9 department of public safety shall make every effort
10 to preserve correctional officer and peace officer

11 positions through the reduction of administrative and
12 related overhead costs.>
13 2. Title page, line 2, after <system,> by inserting
14 <providing for fees and fines,>

Amendment [H-8442](#) was adopted.

[SENATE FILE 2378](#) SUBSTITUTED FOR [HOUSE FILE 2523](#)

Taylor of Linn asked and received unanimous consent to substitute [Senate File 2378](#) for [House File 2523](#).

[Senate File 2378](#), a bill for an act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions, was taken up for consideration.

Taylor of Linn asked and received unanimous consent to withdraw amendment [H-8489](#) filed by him and R. Olson of Polk from the floor.

Taylor of Linn offered the following amendment [H-8493](#) filed by him and R. Olson of Polk from the floor and moved its adoption:

[H-8493](#)

1 Amend [Senate File 2378](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 20, line 3, through page 29,
4 line 11, and inserting:
5 <Sec. ____ Section 805.8A, Code Supplement 2009, is
6 amended by striking the section and inserting in lieu
7 thereof the following:
8 805.8A Motor vehicle and transportation scheduled
9 violations.
10 1. Parking violations.
11 a. For parking violations under sections 321.236,
12 321.239, 321.358, 321.360, and 321.361, the scheduled
13 fine is five dollars, except if the local authority has
14 established the fine by ordinance. The scheduled fine
15 for a parking violation pursuant to section 321.236
16 increases by five dollars if authorized by ordinance
17 and if the parking violation is not paid within thirty
18 days of the date upon which the violation occurred.
19 For purposes of calculating the unsecured appearance
20 bond required under section 805.6, the scheduled fine
21 shall be five dollars, or if the amount of the fine is
22 greater than five dollars, the unsecured appearance
23 bond shall be the amount of the fine established by

24 the local authority. However, violations charged
25 by a city or county upon simple notice of a fine
26 instead of a uniform citation and complaint required by
27 section 321.236, subsection 1, paragraph "b", are not
28 scheduled violations, and this section shall not apply
29 to any offense charged in that manner. For a parking
30 violation under section 461A.38, the scheduled fine is
31 ten dollars. For a parking violation under section
32 321.362, the scheduled fine is twenty dollars.
33 b. For a parking violation under section 321L.2A,
34 subsection 2, the scheduled fine is twenty dollars.
35 c. For violations under section 321L.2A, subsection
36 3, sections 321L.3, 321L.4, subsection 2, and section
37 321L.7, the scheduled fine is two hundred dollars.
38 2. Title and registration violations. For title or
39 registration violations under the following sections,
40 the scheduled fine is as follows:
41 a. 321.17, \$50.
42 b. 321.25, \$100.
43 c. 321.32, \$20.
44 d. 321.34, \$20.
45 e. 321.37, \$20.
46 f. 321.38, \$20.
47 g. 321.41, \$20.
48 h. 321.45, \$100.
49 i. 321.46, \$100.
50 j. 321.47, \$100.

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1 k. 321.48, \$100.
2 l. 321.52, \$100.
3 m. 321.55, \$50.
4 n. 321.57, \$100.
5 o. 321.62, \$100.
6 p. 321.67, \$100.
7 q. 321.98, \$50.
8 r. 321.99, \$200.
9 s. 321.104, \$100.
10 t. 321.115, \$30.
11 u. 321.115A, \$30.
12 3. Equipment violations. For equipment violations
13 under the following sections, the scheduled fine is as
14 follows:
15 a. 321.234A, \$50.
16 b. 321.247, \$100.
17 c. 321.317, \$20.
18 d. 321.381, \$100.
19 e. 321.381A, \$100.
20 f. 321.382, \$25.
21 g. 321.383, \$30.
22 h. 321.384, \$30.

- 23 i. 321.385, \$30.
- 24 j. 321.386, \$30.
- 25 k. 321.387, \$20.
- 26 l. 321.388, \$20.
- 27 m. 321.389, \$20.
- 28 n. 321.390, \$20.
- 29 o. 321.392, \$20.
- 30 p. 321.393, \$20.
- 31 q. 321.398, \$30.
- 32 r. 321.402, \$30.
- 33 s. 321.403, \$30.
- 34 t. 321.404, \$30.
- 35 u. 321.404A, \$25.
- 36 v. 321.409, \$30.
- 37 w. 321.415, \$30.
- 38 x. 321.419, \$30.
- 39 y. 321.420, \$30.
- 40 z. 321.421, \$30.
- 41 aa. 321.422, \$20.
- 42 ab. 321.423, \$30.
- 43 ac. 321.430, \$100.
- 44 ad. 321.432, \$20.
- 45 ae. 321.433, \$30.
- 46 af. 321.436, \$20.
- 47 ag. 321.437, for improperly used or nonused, or
- 48 defective or improper equipment, other than brakes,
- 49 driving lights, and brake lights, \$20.
- 50 ah. 321.438, \$50.

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- 1 ai. 321.439, \$20.
- 2 aj. 321.440, \$20.
- 3 ak. 321.441, \$20.
- 4 al. 321.442, \$20.
- 5 am. 321.444, \$20.
- 6 4. Driver's license violations. For driver's
- 7 license violations under the following sections, the
- 8 scheduled violation is as follows:
- 9 a. 321.174, \$200.
- 10 b. 321.174A, \$50.
- 11 c. 321.180, \$50.
- 12 d. 321.180B, \$50.
- 13 e. 321.193, \$50.
- 14 f. 321.194, \$50.
- 15 g. 321.216, \$100.
- 16 h. 321.216B, \$200.
- 17 i. 321.216C, \$200.
- 18 j. 321.219, \$200.
- 19 k. 321.220, \$200.
- 20 5. Speed violations.
- 21 a. For excessive speed violations in excess of the

22 limit under section 321.236, subsections 5 and 11,
23 sections 321.285, and 461A.36, the scheduled fine shall
24 be the following:

25 (1) Twenty dollars for speed not more than five
26 miles per hour in excess of the limit.

27 (2) Forty dollars for speed greater than five but
28 not more than ten miles per hour in excess of the
29 limit.

30 (3) Eighty dollars for speed greater than ten but
31 not more than fifteen miles per hour in excess of the
32 limit.

33 (4) Ninety dollars for speed greater than fifteen
34 but not more than twenty miles per hour in excess of
35 the limit.

36 (5) One hundred dollars plus five dollars for each
37 mile per hour of excessive speed over twenty miles per
38 hour over the limit.

39 b. Notwithstanding paragraph "a", for excessive
40 speed violations in speed zones greater than fifty-five
41 miles per hour, the scheduled fine shall be:

42 (1) Twenty dollars for speed not more than five
43 miles per hour in excess of the limit.

44 (2) Forty dollars for speed greater than five but
45 not more than ten miles per hour in excess of the
46 limit.

47 (3) Eighty dollars for speed greater than ten but
48 not more than fifteen miles per hour in excess of the
49 limit.

50 (4) Ninety dollars for speed greater than fifteen

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1 but not more than twenty miles per hour in excess of
2 the limit.

3 (5) One hundred dollars plus five dollars for each
4 mile per hour of excessive speed over twenty miles per
5 hour over the limit.

6 c. Excessive speed in whatever amount by a school
7 bus is not a scheduled violation under any section
8 listed in this subsection.

9 d. Excessive speed in conjunction with a violation
10 of section 321.278 is not a scheduled violation,
11 whatever the amount of excess speed.

12 e. For a violation under section 321.295, the
13 scheduled fine is fifty dollars.

14 6. Operating violations. For operating violations
15 under the following sections, the scheduled violation
16 is as follows:

17 a. 321.236, subsections 3, 4, 9, and 12, \$20.

18 b. 321.275, subsections 1 through 7, \$35.

19 c. 321.277A, \$35.

20 d. 321.288, \$100.

- 21 e. 321.297, \$100.
- 22 f. 321.299, \$100.
- 23 g. 321.302, \$100.
- 24 h. 321.303, \$100.
- 25 i. 321.304, subsections 1 and 2, \$100.
- 26 j. 321.305, \$100.
- 27 k. 321.306, \$100.
- 28 l. 321.311, \$100.
- 29 m. 321.312, \$100.
- 30 n. 321.314, \$100.
- 31 o. 321.315, \$35.
- 32 p. 321.316, \$35.
- 33 q. 321.318, \$35.
- 34 r. 321.323, \$100.
- 35 s. 321.340, \$100.
- 36 t. 321.353, \$100.
- 37 u. 321.354, \$100.
- 38 v. 321.363, \$35.
- 39 w. 321.365, \$35.
- 40 x. 321.366, \$100.
- 41 y. 321.395, \$100.
- 42 7. Failure to yield or obey violations. For failure
- 43 to yield or obey violations under the following
- 44 sections, the scheduled violation is as follows:
- 45 a. 321.257, subsection 2, for a violation by an
- 46 operator of a motor vehicle, \$100.
- 47 b. 321.298, \$100.
- 48 c. 321.307, \$100.
- 49 d. 321.308, \$100.
- 50 e. 321.313, \$100.

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- 1 f. 321.319, \$100.
- 2 g. 321.320, \$100.
- 3 h. 321.321, \$100.
- 4 i. 321.327, \$100.
- 5 j. 321.329, \$100.
- 6 k. 321.333, \$100.
- 7 8. Traffic sign or signal violations. For traffic
- 8 sign or signal violations under the following sections,
- 9 the scheduled violation is as follows:
- 10 a. 321.236, subsections 2 and 6, \$35.
- 11 b. 321.256, \$100.
- 12 c. 321.294, \$100.
- 13 d. 321.304, subsection 3, \$100.
- 14 e. 321.322, \$100.
- 15 9. Bicycle or pedestrian violations. For bicycle
- 16 or pedestrian violations under the following sections,
- 17 the scheduled fine for a pedestrian or bicyclist is as
- 18 follows:
- 19 a. 321.234, subsections 3 and 4, \$25.

- 20 b. 321.236, subsection 10, \$15.
21 c. 321.257, subsection 2, \$25.
22 d. 321.275, subsection 8, \$25.
23 e. 321.325, \$25.
24 f. 321.326, \$25.
25 g. 321.328, \$25.
26 h. 321.331, \$25.
27 i. 321.332, \$25.
28 j. 321.397, \$25.
29 k. 321.434, \$25.
30 9A. Electric personal assistive mobility device
31 violations. For violations under section 321.235A, the
32 scheduled fine is fifteen dollars.
33 10. School bus violations.
34 a. For violations by an operator of a school bus
35 under sections 321.285 and 321.372, subsections 1 and
36 2, the scheduled fine is one hundred dollars. However,
37 an excessive speed violation by a school bus of more
38 than ten miles per hour in excess of the limit is not a
39 scheduled violation.
40 b. For a violation under section 321.372,
41 subsection 3, the scheduled fine is two hundred
42 dollars.
43 11. Emergency vehicle violations. For emergency
44 vehicle violations under the following sections, the
45 scheduled fine is as follows:
46 a. 321.231, \$100.
47 b. 321.323A, \$100.
48 c. 321.324, \$100.
49 d. 321.367, \$100.
50 e. 321.368, \$100.

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- 1 12. Restrictions on vehicles.
2 a. For violations under sections 321.309, 321.310,
3 321.394, 321.461, and 321.462, the scheduled fine is
4 thirty-five dollars.
5 b. For violations under section 321.437, the
6 scheduled fine is thirty-five dollars.
7 c. For height, length, width, and load violations
8 under sections 321.454, 321.455, 321.456, 321.457, and
9 321.458, the scheduled fine is two hundred dollars.
10 d. For violations under section 321.466, the
11 scheduled fine is twenty dollars for each two thousand
12 pounds or fraction thereof of overweight.
13 e. (1) Violations of the schedule of axle
14 and tandem axle and gross or group of axle weight
15 violations in section 321.463 shall be scheduled
16 violations subject to the provisions, procedures, and
17 exceptions contained in sections 805.6 through 805.11,
18 irrespective of the amount of the fine under that

19 schedule.

20 (a) Violations of the schedule of weight violations
21 shall be chargeable, where the fine charged does not
22 exceed one thousand dollars, only by uniform citation
23 and complaint.

24 (b) Violations of the schedule of weight
25 violations, where the fine charged exceeds one
26 thousand dollars shall, when the violation is
27 admitted and section 805.9 applies, be chargeable
28 upon uniform citation and complaint, indictment, or
29 county attorney's information, but otherwise shall be
30 chargeable only upon indictment or county attorney's
31 information.

32 (2) In all cases of charges under the schedule of
33 weight violations, the charge shall specify the amount
34 of fine charged under the schedule. Where a defendant
35 is convicted and the fine under the foregoing schedule
36 of weight violations exceeds one thousand dollars, the
37 conviction shall be of an indictable offense although
38 section 805.9 is employed and whether the violation
39 is charged upon uniform citation and complaint,
40 indictment, or county attorney's information.

41 f. For a violation under section 321E.16, other
42 than the provisions relating to weight, the scheduled
43 fine is two hundred dollars.

44 13. Motor carrier violations.

45 a. (1) For a violation under section 321.54, the
46 scheduled fine is thirty dollars.

47 (2) For violations under sections 326.22 and
48 326.23, the scheduled fine is fifty dollars.

49 b. For a violation under section 321.449, the
50 scheduled fine is fifty dollars.

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1 c. For violations under sections 321.364, 321.450,
2 321.460, and 452A.52, the scheduled fine is two hundred
3 dollars.

4 d. For violations of section 325A.3, subsection 5,
5 or section 325A.8, the scheduled fine is one hundred
6 dollars.

7 e. For violations of chapter 325A, other than a
8 violation of section 325A.3, subsection 5, or section
9 325A.8, the scheduled fine is two hundred fifty
10 dollars.

11 f. For failure to have proper carrier
12 identification markings under section 327B.1, the
13 scheduled fine is one hundred dollars.

14 g. For failure to have proper evidence of
15 interstate authority carried or displayed under section
16 327B.1, and for failure to register, carry, or display
17 evidence that interstate authority is not required

18 under section 327B.1, the scheduled fine is two hundred
19 fifty dollars.

20 14. Miscellaneous violations.

21 a. Failure to obey a peace officer. For a violation
22 under section 321.229, the scheduled fine is one
23 hundred dollars.

24 b. Abandoning a motor vehicle. For a violation
25 under section 321.91, the scheduled fine is two hundred
26 dollars.

27 c. Seat belt or restraint violations.

28 (1) For a violation under section 321.445, the
29 scheduled fine is fifty dollars.

30 (2) For a violation under section 321.446, the
31 scheduled violation is one hundred dollars.

32 d. Litter and debris violations. For violations
33 under sections 321.369 and 321.370, the scheduled fine
34 is seventy dollars.

35 e. Open container violations. For violations under
36 sections 321.284 and 321.284A, the scheduled fine is
37 two hundred dollars.

38 f. Proof of financial responsibility. If, in
39 connection with a motor vehicle accident, a person is
40 charged and found guilty of a violation of section
41 321.20B, subsection 1, the scheduled fine is five
42 hundred dollars; otherwise, the scheduled fine for
43 a violation of section 321.20B, subsection 1, is
44 two hundred fifty dollars. Notwithstanding section
45 805.12, fines collected pursuant to this paragraph
46 shall be submitted to the state court administrator and
47 distributed fifty percent to the victim compensation
48 fund established in section 915.94, twenty-five percent
49 to the county in which such fine is imposed, and
50 twenty-five percent to the general fund of the state.

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1 g. Radar-jamming devices. For a violation under
2 section 321.232, the scheduled fine is one hundred
3 dollars.

4 h. Railroad crossing violations. For violations
5 under sections 321.341, 321.342, 321.343, and 321.344,
6 and 321.344B, the scheduled fine is two hundred
7 dollars.

8 i. Road work zone violations. The scheduled fine
9 for any moving traffic violation under chapter 321,
10 as provided in this section, shall be doubled if the
11 violation occurs within any road work zone, as defined
12 in section 321.1. However, notwithstanding subsection
13 5, the scheduled fine for violating the speed limit in
14 a road work zone is as follows:

15 (1) One hundred fifty dollars for speed not more
16 than ten miles per hour over the posted speed limit.

17 (2) Three hundred dollars for speed greater than
18 ten but not more than twenty miles per hour over the
19 posted speed limit.
20 (3) Five hundred dollars for speed greater than
21 twenty but not more than twenty-five miles per hour
22 over the posted speed limit.
23 (4) One thousand dollars for speed greater than
24 twenty-five miles per hour over the posted speed limit.
25 j. Vehicle component parts records violations. For
26 violations under section 321.95, the scheduled fine is
27 fifty dollars.>
28 2. Page 29, line 15, by striking <one hundred ten>
29 and inserting <~~one~~ two hundred>
30 3. Page 29, line 27, after <2011.> by inserting
31 <Of the moneys allocated for deposit into the victim
32 compensation fund pursuant to section 602.8108,
33 subsection 3, the state court administrator shall
34 allocate to the treasurer of state for deposit in the
35 public safety enforcement fund the first two hundred
36 thirty-five thousand dollars of the moneys received
37 during the fiscal year beginning July 1, 2010, and
38 ending June 30, 2011.>
39 4. By striking page 29, line 34, through page 30,
40 line 20, and inserting:
41 <a. To the department of corrections for
42 operations including but not limited to drug courts
43 and salaries and support for probation and parole
44 officers, \$837,810, and of the amount allocated in
45 this paragraph, \$402,810 shall be allocated by the
46 department of corrections to the sixth judicial
47 district department of correctional services, \$335,000
48 shall be allocated to the fifth judicial district
49 department of correctional services, and \$100,000 shall
50 be allocated to the first judicial district department

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1 of correctional services.
2 b. To the department of corrections for salaries
3 and support for correctional officers, \$2,497,190, and
4 of the amount allocated in this paragraph, \$1,451,000
5 shall be allocated by the department of corrections
6 for the operation of the Fort Madison correctional
7 facility, \$846,190 shall be allocated for the operation
8 of the Luster Heights facility, and \$200,000 shall be
9 allocated for the operation of the Anamosa correctional
10 facility.
11 c. To the department of public safety, \$150,000,
12 for costs associated with the training and equipment
13 needs of volunteer fire fighters.
14 d. To the department of public safety for salaries
15 and support for sworn peace officers of the state

16 patrol, \$300,000.
17 e. To the Iowa civil rights commission, \$100,000.
18 f. To the judicial branch, \$5,300,000.
19 g. To the department of justice for salaries and
20 support, \$150,000.
21 3. Moneys remaining in the fund at or after the
22 close of the fiscal year shall revert to the general
23 fund of the state.
24 4. This section is repealed June 30, 2011.>
25 5. Page 33, before line 21 by inserting:
26 <Sec. ____ Section 321.174, subsection 1, Code
27 2009, is amended to read as follows:
28 1. a. A person, except those expressly exempted,
29 shall not operate any motor vehicle upon a highway in
30 this state unless the person has a driver's license
31 issued by the department valid for the vehicle's
32 operation.
33 b. A moving traffic violation does not include a
34 violation of this subsection.
35 Sec. ____ Section 321.210, subsection 2, paragraph
36 d, Code 2009, is amended to read as follows:
37 d. The first two speeding violations within any
38 twelve-month period of ten miles per hour or less over
39 the legal speed limit in speed zones having a legal
40 speed limit between thirty-four miles per hour and
41 ~~fifty-six~~ sixty-one miles per hour.
42 Sec. ____ Section 516B.3, subsection 1, Code 2009,
43 is amended to read as follows:
44 1. The commissioner shall require that insurance
45 companies transacting business in this state not
46 consider speeding violations occurring on or after
47 July 1, 1986, but before May 12, 1987, which are for
48 speeding violations for ten miles per hour or less
49 over the legal speed limit in speed zones that have a
50 legal speed limit greater than thirty-five miles per

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1 hour or speeding violations occurring on or after May
2 12, 1987, which are for speeding violations for ten
3 miles per hour or less over the legal speed limit in
4 speed zones that have a legal speed limit equal to or
5 greater than thirty-five miles per hour but not greater
6 than ~~fifty-five~~ sixty miles per hour for the purpose
7 of establishing rates for motor vehicle insurance
8 charged by the insurer and shall require that insurance
9 companies not cancel or refuse to renew any such policy
10 for such violations. In any twelve-month period, this
11 section applies only to the first two such violations
12 which occur.>
13 6. Title page, line 2, by striking <providing for>
14 and inserting <modifying certain traffic offenses,>

Amendment [H-8493](#) was adopted.

Zirkelbach of Jones asked and received unanimous consent to withdraw amendment [H-8460](#) filed by him from the floor.

Taylor of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2378](#))

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Hanson	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Running-Marquardt	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor	Thede	Thomas	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Gayman, Presiding		

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

Absent or not voting, 2:

Miller, H. Wendt

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

[HOUSE FILE 2523](#) WITHDRAWN

Taylor of Linn asked and received unanimous consent to withdraw [House File 2523](#) from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 2378](#) be immediately messaged to the Senate.

BILL 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 bill has 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 18th day of March, 2010: [House File 2076](#).

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 March 17, 2010, he approved and transmitted to the Secretary of State the following bills:

[Senate File 434](#), an Act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property and requiring the county treasurer to withhold certain real property from tax sale.

[Senate File 2264](#), an Act relating to the review and approval of proposed subdivisions by a city.

COMMITTEE RECOMMENDATION

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

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON ETHICS

Committee Bill (Formerly LSB 5717HC), amending the House Code of Ethics.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 2010.

RESOLUTIONS FILED

[HR 126](#), by Smith, Kaufmann and Raecker, a resolution recognizing the Uncommon Public Service Award.

Laid over under **Rule 25**.

[HR 127](#), by Winckler, Gayman, Lykam, L. Miller and Thede, a resolution honoring the sesquicentennial of Temple Emanuel.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8457	S.F.	2274	Senate Amendment
H-8458	S.F.	2367	Gaskill of Wapello
H-8464	H.F.	2459	Senate Amendment
H-8465	S.F.	2270	Tymeson of Madison
H-8466	H.F.	2528	Windschitl of Harrison
H-8467	S.F.	2367	Kuhn of Floyd
H-8468	S.F.	2250	R. Olson of Polk
H-8475	H.F.	2512	Struyk of Pottawattamie
H-8476	H.F.	2512	Struyk of Pottawattamie
H-8478	H.F.	2527	Sweeney of Hardin
H-8479	H.F.	2527	Schulte of Linn
Hagenow of Polk			Cownie of Polk
Alons of Sioux			De Boef of Keokuk
May of Dickinson			S. Olson of Clinton
L. Miller of Scott			Chambers of O'Brien
Lukan of Dubuque			Roberts of Carroll
Schultz of Crawford			Soderberg of Plymouth
Sweeney of Hardin			Drake of Cass
Marek of Washington			Mertz of Kossuth
Quirk of Chickasaw			Upmeyer of Hancock
Schueller of Jackson			Zirkelbach of Jones

H-8480	H.F.	2527	Sweeney of Hardin
			De Boef of Keokuk
			S. Olson of Clinton
			Chambers of O'Brien
			Roberts of Carroll
			Soderberg of Plymouth
H-8481	H.F.	2527	Helland of Polk
			Wagner of Linn
H-8482	H.F.	2527	Sands of Louisa
H-8483	S.F.	2380	Schulte of Linn
			Alons of Sioux
			May of Dickinson
			L. Miller of Scott
			Lukan of Dubuque
			Schultz of Crawford
			Sweeney of Hardin
			Marek of Washington
			Quirk of Chickasaw
			Schueller of Jackson
H-8484	S.F.	2380	Sweeney of Hardin
			De Boef of Keokuk
			S. Olson of Clinton
			Chambers of O'Brien
			Roberts of Carroll
			Soderberg of Plymouth
H-8485	S.F.	2380	Sands of Louisa
H-8486	S.F.	2380	Helland of Polk
			Wagner of Linn
H-8487	S.F.	2270	Tymeson of Madison
H-8488	S.F.	2201	Petersen of Polk
H-8490	H.F.	2229	Quirk of Chickasaw
H-8491	S.F.	2367	Mascher of Johnson
			Abdul-Samad of Polk
H-8492	S.F.	2370	Bell of Jasper
H-8494	S.F.	2354	Cohoon of Des Moines
H-8495	S.F.	2215	Running-Marquardt of Linn
			Soderberg of Plymouth

H-8496	S.F. 2270	Upmeyer of Hancock
H-8497	S.F. 2367	Raecker of Polk

On motion by McCarthy of Polk the House adjourned at 6:25 p.m., until 9:00 a.m., Friday, March 19, 2010.