

House Study Bill 797

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON OLDSO)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to state and local finances by providing for
2 funding of property tax credits and reimbursements, by making,
3 increasing and reducing appropriations, providing for salaries
4 and compensation of state employees, providing for matters
5 relating to tax credits, providing for fees and penalties, and
6 providing for properly related matters, and including
7 effective and retroactive applicability date provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 6618HC 82
10 mg/jp/24

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1 1 DIVISION I
1 2 MH/MR/DD SERVICES ALLOWED
1 3 GROWTH FUNDING == FY 2009=2010
1 4 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
1 5 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND
1 6 ALLOCATIONS == FISCAL YEAR 2009=2010.
1 7 1. There is appropriated from the general fund of the
1 8 state to the department of human services for the fiscal year
1 9 beginning July 1, 2009, and ending June 30, 2010, the
1 10 following amount, or so much thereof as is necessary, to be
1 11 used for the purpose designated:
1 12 For distribution to counties of the county mental health,
1 13 mental retardation, and developmental disabilities allowed
1 14 growth factor adjustment for fiscal year 2009=2010:
1 15 \$ 69,949,069
1 16 2. The amount appropriated in this section shall be
1 17 allocated as provided in a later enactment of the general
1 18 assembly.

1 19 DIVISION II
1 20 STANDING APPROPRIATIONS
1 21 AND RELATED MATTERS
1 22 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2009=2010.
1 23 1. For the budget process applicable to the fiscal year
1 24 beginning July 1, 2009, on or before October 1, 2008, in lieu
1 25 of the information specified in section 8.23, subsection 1,
1 26 unnumbered paragraph 1, and paragraph "a", all departments and
1 27 establishments of the government shall transmit to the
1 28 director of the department of management, on blanks to be
1 29 furnished by the director, estimates of their expenditure
1 30 requirements, including every proposed expenditure, for the
1 31 ensuing fiscal year, together with supporting data and
1 32 explanations as called for by the director of the department
1 33 of management after consultation with the legislative services
1 34 agency.

1 35 2. The estimates of expenditure requirements shall be in a
2 1 form specified by the director of the department of
2 2 management, and the expenditure requirements shall include all
2 3 proposed expenditures and shall be prioritized by program or
2 4 the results to be achieved. The estimates shall be
2 5 accompanied by performance measures for evaluating the
2 6 effectiveness of the programs or results.

2 7 Sec. 3. GENERAL ASSEMBLY. The appropriations made
2 8 pursuant to section 2.12 for the expenses of the general
2 9 assembly and legislative agencies for the fiscal year
2 10 beginning July 1, 2008, and ending June 30, 2009, are reduced
2 11 by the following amount:

2 12 \$ 1,439,884
2 13 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.

2 14 Notwithstanding the standing appropriations in the following
2 15 designated sections for the fiscal year beginning July 1,
2 16 2008, and ending June 30, 2009, the amounts appropriated from
2 17 the general fund of the state pursuant to these sections for
2 18 the following designated purposes shall not exceed the
2 19 following amounts:

2 20 1. For instructional support state aid under section
2 21 257.20:

2 22 \$ 14,428,271

2 23 If the total amount of instructional support state aid
2 24 appropriated in accordance with this subsection is
2 25 insufficient to pay the amount of instructional support state
2 26 aid to a district as determined under section 257.20, the
2 27 department of education shall prorate the amount of the
2 28 instructional support state aid provided to each district.

2 29 2. For payment for nonpublic school transportation under
2 30 section 285.2:

2 31 \$ 8,604,714

2 32 If total approved claims for reimbursement for nonpublic
2 33 school pupil transportation exceed the amount appropriated in
2 34 accordance with this subsection, the department of education
2 35 shall prorate the amount of each approved claim.

3 1 3. For the educational excellence program under section
3 2 294A.25, subsection 1:

3 3 \$ 55,469,053

3 4 4. For the state's share of the cost of the peace
3 5 officers' retirement benefits under section 411.20:

3 6 \$ 2,745,784

3 7 Sec. 5. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF
3 8 GENERAL FUND REIMBURSEMENT.

3 9 1. a. Notwithstanding section 8.57, prior to the
3 10 appropriation and distribution to the senior living trust fund
3 11 and the cash reserve fund of the surplus existing in the
3 12 general fund of the state at the conclusion of the fiscal year
3 13 beginning July 1, 2007, and ending June 30, 2008, pursuant to
3 14 section 8.57, subsections 1 and 2, of that surplus,
3 15 \$99,849,544 is appropriated to the property tax credit fund
3 16 which shall be created in the office of the treasurer of state
3 17 to be used for the purposes of this section.

3 18 b. Notwithstanding any provision in section 8.57 to the
3 19 contrary in determining the amount of the appropriation to the
3 20 senior living trust fund pursuant to section 8.57, subsection
3 21 2, paragraph "a", the following shall apply:

3 22 (1) The surplus for the fiscal year beginning July 1,
3 23 2007, shall not include the amount appropriated to the
3 24 property tax credit fund pursuant to paragraph "a" of this
3 25 subsection.

3 26 (2) The remaining surplus after the operation of
3 27 subparagraph (1) shall be appropriated to the cash reserve
3 28 fund prior to any appropriation to the senior living trust
3 29 fund.

3 30 c. There is appropriated from the general fund of the
3 31 state to the property tax credit fund created in paragraph "a"
3 32 for the fiscal year beginning July 1, 2008, and ending June
3 33 30, 2009, the sum of \$44,400,000.

3 34 d. There is transferred from the surplus existing in the
3 35 salary adjustment fund at the conclusion of the fiscal year
4 1 beginning July 1, 2007, and ending June 30, 2008, to the
4 2 property tax credit fund created in paragraph "a", the sum of
4 3 \$13,937,263.

4 4 e. Notwithstanding section 8.33, the surplus existing in
4 5 the property tax credit fund created pursuant to 2007 Iowa
4 6 Acts, chapter 215, section 5, at the conclusion of the fiscal
4 7 year beginning July 1, 2007, and ending June 30, 2008, is
4 8 transferred to the property tax credit fund created in this
4 9 section.

4 10 2. Notwithstanding the amount of the standing
4 11 appropriation from the general fund of the state in the
4 12 following designated sections and notwithstanding any
4 13 conflicting provisions or voting requirements of section 8.56,
4 14 there is appropriated from the property tax credit fund in
4 15 lieu of the appropriations in the following designated
4 16 sections for the fiscal year beginning July 1, 2008, and
4 17 ending June 30, 2009, the following amounts for the following
4 18 designated purposes:

4 19 a. For reimbursement for the homestead property tax credit
4 20 under section 425.1:

4 21 \$ 99,254,781

4 22 b. For reimbursement for the agricultural land and family
4 23 farm tax credits under sections 425A.1 and 426.1:

4 24 \$ 34,610,183

4 25 c. For reimbursement for the military service tax credit
4 26 under section 426A.1A:
4 27 \$ 2,800,000
4 28 d. For implementing the elderly and disabled tax credit
4 29 and reimbursement pursuant to sections 425.16 through 425.40:
4 30 \$ 23,204,000
4 31 If the director of revenue determines that the amount of
4 32 claims for credit for property taxes due pursuant to
4 33 paragraphs "a", "b", "c", and "d" plus the amount of claims
4 34 for reimbursement for rent constituting property taxes paid
4 35 which are to be paid during the fiscal year may exceed the
5 1 total amount appropriated, the director shall estimate the
5 2 percentage of the credits and reimbursements which will be
5 3 funded by the appropriation. The county treasurer shall
5 4 notify the director of the amount of property tax credits
5 5 claimed by June 8, 2008. The director shall estimate the
5 6 percentage of the property tax credits and rent reimbursement
5 7 claims that will be funded by the appropriation and notify the
5 8 county treasurer of the percentage estimate by June 15, 2008.
5 9 The estimated percentage shall be used in computing for each
5 10 claim the amount of property tax credit and reimbursement for
5 11 rent constituting property taxes paid for that fiscal year.
5 12 If the director overestimates the percentage of funding,
5 13 claims for reimbursement for rent constituting property taxes
5 14 paid shall be paid until they can no longer be paid at the
5 15 estimated percentage of funding. Rent reimbursement claims
5 16 filed after that point in time shall receive priority and
5 17 shall be paid in the following fiscal year.
5 18 3. Notwithstanding any other provision, if the
5 19 Eighty-second General Assembly, 2008 Session, enacts
5 20 legislation that also provides for the appropriation of the
5 21 surplus or any part of the surplus existing in the general
5 22 fund of the state at the conclusion of the fiscal year
5 23 beginning July 1, 2007, and ending June 30, 2008, the moneys
5 24 appropriated from such surplus pursuant to subsection 1 shall
5 25 have priority over all other such appropriations.
5 26 4. Notwithstanding the amount of the standing
5 27 appropriations from the general fund of the state from the
5 28 designated sections listed in subsection 2, unless otherwise
5 29 provided by law, for the fiscal year beginning July 1, 2009,
5 30 and ending June 30, 2010, the amounts of such standing
5 31 appropriations shall be the same as provided in subsection 2.
5 32 Sec. 6. CASH RESERVE APPROPRIATION FOR FY 2008=2009. For
5 33 the fiscal year beginning July 1, 2008, and ending June 30,
5 34 2009, the appropriation to the cash reserve fund provided in
5 35 section 8.57, subsection 1, paragraph "a", shall not be made.
6 1 Sec. 7. APRIL 4, 2008, REVENUE ESTIMATE. For use by the
6 2 general assembly in the budget process and the governor's
6 3 approval or disapproval of the appropriations bills for the
6 4 fiscal year beginning July 1, 2008, and for purposes of
6 5 calculating the state general fund expenditure limitation
6 6 pursuant to section 8.54 for the fiscal year beginning July 1,
6 7 2008, the revenue estimate for the fiscal year beginning July
6 8 1, 2008, that shall be used in the budget process and such
6 9 calculation shall be the revenue estimate determined by the
6 10 revenue estimating conference on April 4, 2008,
6 11 notwithstanding the provision in section 8.22A, subsection 3,
6 12 that disallows the use of a revenue estimate agreed to at a
6 13 later meeting that projects a greater amount than the initial
6 14 estimated amount agreed to in December 2007. This section
6 15 also authorizes the use of the estimated revenue figures for
6 16 the purposes or sources designated in section 8.22A,
6 17 subsection 5.
6 18 Sec. 8. Section 257.35, Code Supplement 2007, is amended
6 19 by adding the following new subsection:
6 20 NEW SUBSECTION. 4A. Notwithstanding subsection 1, and in
6 21 addition to the reduction applicable pursuant to subsection 2,
6 22 the state aid for area education agencies and the portion of
6 23 the combined district cost calculated for these agencies for
6 24 the fiscal year beginning July 1, 2008, shall be reduced by
6 25 the department of management by two million five hundred
6 26 thousand dollars. The reduction for each area education
6 27 agency shall be prorated based on the reduction that the
6 28 agency received in the fiscal year beginning July 1, 2003.
6 29 Sec. 9. AREA EDUCATION AGENCY PAYMENTS. It is the intent
6 30 of the general assembly that for the fiscal year beginning
6 31 July 1, 2009, and subsequent fiscal years there shall be no
6 32 additional reduction in state aid to area education agencies
6 33 and the combined district cost calculated for those agencies
6 34 over the reduction applicable pursuant to section 257.35,
6 35 subsection 2.

7 1 Sec. 10. EFFECTIVE AND APPLICABILITY DATES.

7 2 1. The section of this division of this Act creating the
7 3 property tax credit fund, being deemed of immediate
7 4 importance, takes effect upon enactment.

7 5 2. The section of this division of this Act relating to
7 6 the use of the April 4, 2008, revenue estimate, being deemed
7 7 of immediate importance, takes effect upon enactment and
7 8 applies retroactively to January 14, 2008.

7 9 DIVISION III

7 10 SALARIES, COMPENSATION, AND RELATED MATTERS

7 11 Sec. 11. STATE COURT == JUSTICES, JUDGES, AND MAGISTRATES.

7 12 1. The salary rates specified in subsection 2 are for the
7 13 fiscal year beginning July 1, 2008, effective for the pay
7 14 period beginning June 27, 2008, and for subsequent fiscal
7 15 years until otherwise provided by the general assembly. The
7 16 salaries provided for in this section shall be paid from funds
7 17 allocated to the judicial branch from the salary adjustment
7 18 fund or if the allocation is not sufficient, from funds
7 19 appropriated to the judicial branch pursuant to any Act of the
7 20 general assembly.

7 21 2. The following annual salary rates shall be paid to the
7 22 persons holding the judicial positions indicated during the
7 23 fiscal year beginning July 1, 2008, effective with the pay
7 24 period beginning June 27, 2008, and for subsequent pay
7 25 periods.

7 26	a. Chief justice of the supreme court:	
7 27	.....	\$ 170,850
7 28	b. Each justice of the supreme court:	
7 29	.....	\$ 163,200
7 30	c. Chief judge of the court of appeals:	
7 31	.....	\$ 153,000
7 32	d. Each associate judge of the court of appeals:	
7 33	.....	\$ 147,900
7 34	e. Each chief judge of a judicial district:	
7 35	.....	\$ 142,800
8 1	f. Each district judge except the chief judge of a	
8 2	judicial district:	
8 3	.....	\$ 137,700
8 4	g. Each district associate judge:	
8 5	.....	\$ 122,400
8 6	h. Each associate juvenile judge:	
8 7	.....	\$ 122,400
8 8	i. Each associate probate judge:	
8 9	.....	\$ 122,400
8 10	j. Each judicial magistrate:	
8 11	.....	\$ 37,740
8 12	k. Each senior judge:	
8 13	.....	\$ 8,160

8 14 3. Persons receiving the salary rates established under
8 15 this section shall not receive any additional salary
8 16 adjustments provided by this division of this Act.

8 17 Sec. 12. ELECTIVE EXECUTIVE OFFICIALS.

8 18 1. The annual salary rates specified in this section are
8 19 effective for the fiscal year beginning July 1, 2008, with the
8 20 pay period beginning June 27, 2008, and for subsequent fiscal
8 21 years until otherwise provided by the general assembly.

8 22 The salaries provided for in this section shall be paid
8 23 from funds allocated to the office, department, or agency of
8 24 the elected official specified in subsections 2, 3, and 4 from
8 25 the salary adjustment fund, if the allocation is not
8 26 sufficient, from funds appropriated to the office, department,
8 27 or agency.

8 28 2. The annual salary rates paid to the person holding the
8 29 following elected offices shall be equal to 82.65 percent of
8 30 the maximum of range 7 of the salary ranges specified in this
8 31 division of this Act for appointed state officers, rounded to
8 32 the nearest \$10: secretary of agriculture, auditor of state,
8 33 secretary of state, treasurer of state, and lieutenant
8 34 governor.

8 35 3. The annual salary rate paid to the attorney general
9 1 shall be equal to 89 percent of the maximum of range 7 of the
9 2 salary ranges specified in this division of this Act for
9 3 appointed state officers, rounded to the nearest \$10.

9 4 4. The annual salary rate paid to the governor shall be
9 5 equal to 92.4 percent of the maximum of range 7 of the salary
9 6 ranges specified in this division of this Act for appointed
9 7 state officers, rounded to the nearest \$10.

9 8 Sec. 13. APPOINTED STATE OFFICERS. The governor shall
9 9 establish a salary for appointed nonelected persons in the
9 10 executive branch of state government holding a position
9 11 enumerated in the section of this division of this Act that

9 12 addresses the salary ranges of state officers within the range
9 13 provided, by considering, among other items, the experience of
9 14 the individual in the position, changes in the duties of the
9 15 position, the incumbent's performance of assigned duties, and
9 16 subordinates' salaries. However, the attorney general shall
9 17 establish the salary for the consumer advocate, the chief
9 18 justice of the supreme court shall establish the salary for
9 19 the state court administrator, the ethics and campaign
9 20 disclosure board shall establish the salary of the executive
9 21 director, the state fair board shall establish the salary of
9 22 the secretary of the Iowa state fair board, and the Iowa
9 23 public broadcasting board shall establish the salary of the
9 24 administrator of the public broadcasting division of the
9 25 department of education, each within the salary range provided
9 26 in the section of this division of this Act that addresses the
9 27 salary ranges of state officers.

9 28 The governor, in establishing salaries as provided in the
9 29 section of this division of this Act that addresses the salary
9 30 ranges of state officers, shall take into consideration other
9 31 employee benefits which may be provided for an individual
9 32 including but not limited to housing.

9 33 A person whose salary is established pursuant to the
9 34 section of this division of this Act that addresses the salary
9 35 ranges of state officers and who is a full-time, year-round
10 1 employee of the state shall not receive any other remuneration
10 2 from the state or from any other source for the performance of
10 3 that person's duties unless the additional remuneration is
10 4 first approved by the governor or authorized by law. However,
10 5 this provision does not exclude the reimbursement for
10 6 necessary travel and expenses incurred in the performance of
10 7 duties or fringe benefits normally provided to employees of
10 8 the state.

10 9 Sec. 14. STATE OFFICERS == SALARY RANGE. The following
10 10 annual salary ranges are effective for the positions specified
10 11 in this section for the fiscal year beginning July 1, 2008,
10 12 and for subsequent fiscal years until otherwise provided by
10 13 the general assembly. The governor or other person designated
10 14 in the section of this division of this Act relating to
10 15 appointed state officers shall determine the salary to be paid
10 16 to the person indicated at a rate within this salary range
10 17 from funds appropriated by the general assembly for that
10 18 purpose.

10 19 1. The following are salary ranges for appointed state
10 20 officers for the fiscal year beginning July 1, 2008, effective
10 21 with the pay period beginning June 27, 2008:

SALARY RANGE		<u>Minimum</u>	<u>Maximum</u>
10 23	a. Range 2	\$ 48,160	\$ 73,700
10 24	b. Range 3	\$ 55,380	\$ 84,750
10 25	c. Range 4	\$ 63,690	\$ 97,460
10 26	d. Range 5	\$ 73,250	\$112,070
10 27	e. Range 6	\$ 84,240	\$128,890
10 28	f. Range 7	\$100,840	\$154,300

10 29 2. The following are range 2 positions: administrator of
10 30 the arts division of the department of cultural affairs,
10 31 administrators of the division of persons with disabilities,
10 32 the division on the status of women, the division on the
10 33 status of Iowans of Asian and Pacific Islander heritage, the
10 34 division on the status of African-Americans, the division of
10 35 deaf services, and the division of Latino affairs of the
11 1 department of human rights.

11 2 3. The following are range 3 positions: administrator of
11 3 the division of criminal and juvenile justice planning of the
11 4 department of human rights, administrator of the division of
11 5 community action agencies of the department of human rights,
11 6 executive director of the department of veterans affairs, and
11 7 chairperson and members of the employment appeal board of the
11 8 department of inspections and appeals.

11 9 4. The following are range 4 positions: director of the
11 10 department of human rights, director of the Iowa state civil
11 11 rights commission, executive director of the college student
11 12 aid commission, director of the department for the blind,
11 13 executive director of the ethics and campaign disclosure
11 14 board, members of the public employment relations board, and
11 15 chairperson, vice chairperson, and members of the board of
11 16 parole.

11 17 5. The following are range 5 positions: administrator of
11 18 the division of homeland security and emergency management of
11 19 the department of public defense, state public defender, drug
11 20 policy coordinator, labor commissioner, workers' compensation
11 21 commissioner, director of the department of cultural affairs,
11 22 director of the department of elder affairs, director of the

11 23 law enforcement academy, and administrator of the historical
11 24 division of the department of cultural affairs.

11 25 6. The following are range 6 positions: director of the
11 26 office of energy independence, superintendent of banking,
11 27 superintendent of credit unions, administrator of the
11 28 alcoholic beverages division of the department of commerce,
11 29 director of the department of inspections and appeals,
11 30 commandant of the Iowa veterans home, commissioner of public
11 31 safety, commissioner of insurance, executive director of the
11 32 Iowa finance authority, director of the department of natural
11 33 resources, consumer advocate, and chairperson of the utilities
11 34 board. The other members of the utilities board shall receive
11 35 an annual salary within a range of not less than 90 percent
12 1 but not more than 95 percent of the annual salary of the
12 2 chairperson of the utilities board.

12 3 7. The following are range 7 positions: administrator of
12 4 the public broadcasting division of the department of
12 5 education, director of the department of corrections, director
12 6 of the department of education, director of human services,
12 7 director of the department of economic development, executive
12 8 director of the Iowa telecommunications and technology
12 9 commission, executive director of the state board of regents,
12 10 director of transportation, director of the department of
12 11 workforce development, director of revenue, director of public
12 12 health, state court administrator, secretary of the Iowa state
12 13 fair board, director of the department of management, and
12 14 director of the department of administrative services.

12 15 Sec. 15. COLLECTIVE BARGAINING AGREEMENTS FUNDED ==
12 16 GENERAL FUND. There is appropriated from the general fund of
12 17 the state to the salary adjustment fund for distribution by
12 18 the department of management to the various state departments,
12 19 boards, commissions, councils, and agencies, including the
12 20 state board of regents and the judicial branch, for the fiscal
12 21 year beginning July 1, 2008, and ending June 30, 2009, the
12 22 amount of \$88,100,000, or so much thereof as may be necessary,
12 23 to fully fund annual pay adjustments, expense reimbursements,
12 24 and related benefits implemented pursuant to the following:

12 25 1. The collective bargaining agreement negotiated pursuant
12 26 to chapter 20 for employees in the blue collar bargaining
12 27 unit.

12 28 2. The collective bargaining agreement negotiated pursuant
12 29 to chapter 20 for employees in the public safety bargaining
12 30 unit.

12 31 3. The collective bargaining agreement negotiated pursuant
12 32 to chapter 20 for employees in the security bargaining unit.

12 33 4. The collective bargaining agreement negotiated pursuant
12 34 to chapter 20 for employees in the technical bargaining unit.

12 35 5. The collective bargaining agreement negotiated pursuant
13 1 to chapter 20 for employees in the professional fiscal and
13 2 staff bargaining unit.

13 3 6. The collective bargaining agreement negotiated pursuant
13 4 to chapter 20 for employees in the clerical bargaining unit.

13 5 7. The collective bargaining agreement negotiated pursuant
13 6 to chapter 20 for employees in the professional social
13 7 services bargaining unit.

13 8 8. The collective bargaining agreement negotiated pursuant
13 9 to chapter 20 for employees in the community-based corrections
13 10 bargaining unit.

13 11 9. The collective bargaining agreements negotiated
13 12 pursuant to chapter 20 for employees in the judicial branch of
13 13 government bargaining units.

13 14 10. The collective bargaining agreement negotiated
13 15 pursuant to chapter 20 for employees in the patient care
13 16 bargaining unit.

13 17 11. The collective bargaining agreement negotiated
13 18 pursuant to chapter 20 for employees in the science bargaining
13 19 unit.

13 20 12. The collective bargaining agreement negotiated
13 21 pursuant to chapter 20 for employees in the university of
13 22 northern Iowa faculty bargaining unit.

13 23 13. The collective bargaining agreement negotiated
13 24 pursuant to chapter 20 for employees in the state university
13 25 of Iowa graduate student bargaining unit.

13 26 14. The collective bargaining agreement negotiated
13 27 pursuant to chapter 20 for employees in the state university
13 28 of Iowa hospital and clinics tertiary health care bargaining
13 29 unit.

13 30 15. The annual pay adjustments, related benefits, and
13 31 expense reimbursements referred to in the sections of this
13 32 division of this Act addressing noncontract state and board of
13 33 regents employees who are not covered by a collective

13 34 bargaining agreement.

13 35 Of the amount appropriated in this section, \$7,647,352
14 1 shall be allocated to the judicial branch for the purposes of
14 2 funding annual pay adjustments, expense reimbursements, and
14 3 related benefits implemented for judicial branch employees.

14 4 Sec. 16. NONCONTRACT STATE EMPLOYEES == GENERAL.

14 5 1. a. For the fiscal year beginning July 1, 2008, the
14 6 maximum and minimum salary levels of all pay plans provided
14 7 for in section 8A.413, subsection 2, as they exist for the
14 8 fiscal year ending June 30, 2008, shall be increased by 3
14 9 percent for the pay period beginning June 27, 2008, and any
14 10 additional changes in the pay plans shall be approved by the
14 11 governor.

14 12 b. For the fiscal year beginning July 1, 2008, employees
14 13 may receive a step increase or the equivalent of a step
14 14 increase.

14 15 c. Notwithstanding the increase in paragraph "a",
14 16 noncontract judicial branch employees shall receive increases
14 17 similar to those employees covered by collective bargaining
14 18 agreements negotiated by the judicial branch.

14 19 2. The pay plans for state employees who are exempt from
14 20 chapter 8A, subchapter IV, and who are included in the
14 21 department of administrative service's centralized payroll
14 22 system shall be increased in the same manner as provided in
14 23 subsection 1, and any additional changes in any executive
14 24 branch pay plans shall be approved by the governor.

14 25 3. This section does not apply to members of the general
14 26 assembly, board members, commission members, salaries of
14 27 persons set by the general assembly pursuant to this division
14 28 of this Act or set by the governor, or other persons
14 29 designated in the section of this division of this Act
14 30 addressing appointed state officers, employees designated
14 31 under section 8A.412, subsection 5, and employees covered by
14 32 11 IAC 53.6(3).

14 33 4. The pay plans for the bargaining eligible employees of
14 34 the state shall be increased in the same manner as provided in
14 35 subsection 1, and any additional changes in such executive
15 1 branch pay plans shall be approved by the governor. As used
15 2 in this section, "bargaining eligible employee" means an
15 3 employee who is eligible to organize under chapter 20, but has
15 4 not done so.

15 5 5. The policies for implementation of this section shall
15 6 be approved by the governor.

15 7 Sec. 17. STATE EMPLOYEES == STATE BOARD OF REGENTS. Funds
15 8 from the appropriation made from the general fund of the state
15 9 in the section of this division of this Act providing for
15 10 funding of collective bargaining agreements shall be allocated
15 11 to the state board of regents for the purposes of providing
15 12 increases for state board of regents employees covered by such
15 13 section of this division of this Act and for state board of
15 14 regents employees not covered by a collective bargaining
15 15 agreement as follows:

15 16 1. For regents merit system employees and merit
15 17 supervisory employees to fund for the fiscal year increases
15 18 comparable to those provided for similar contract-covered
15 19 employees in this division of this Act.

15 20 2. For faculty members and professional and scientific
15 21 employees to fund for the fiscal year percentage increases
15 22 comparable to those provided for contract-covered employees in
15 23 the university of northern Iowa faculty bargaining unit.

15 24 Sec. 18. APPROPRIATIONS FROM ROAD FUNDS.

15 25 1. There is appropriated from the road use tax fund to the
15 26 salary adjustment fund for the fiscal year beginning July 1,
15 27 2008, and ending June 30, 2009, the following amount, or so
15 28 much thereof as may be necessary, to be used for the purpose
15 29 designated:

15 30 To supplement other funds appropriated by the general
15 31 assembly:

15 32 \$ 1,485,911

15 33 2. There is appropriated from the primary road fund to the
15 34 salary adjustment fund, for the fiscal year beginning July 1,
15 35 2008, and ending June 30, 2009, the following amount, or so
16 1 much thereof as may be necessary, to be used for the purpose
16 2 designated:

16 3 To supplement other funds appropriated by the general
16 4 assembly:

16 5 \$ 8,335,688

16 6 3. Except as otherwise provided in this division of this
16 7 Act, the amounts appropriated in subsections 1 and 2 shall be
16 8 used to fund the annual pay adjustments, expense
16 9 reimbursements, and related benefits for public employees as

16 10 provided in this division of this Act.
16 11 Sec. 19. SPECIAL FUNDS == AUTHORIZATION. To departmental
16 12 revolving, trust, or special funds, except for the primary
16 13 road fund or the road use tax fund, for which the general
16 14 assembly has established an operating budget, a supplemental
16 15 expenditure authorization is provided, unless otherwise
16 16 provided, in an amount necessary to fund salary adjustments as
16 17 otherwise provided in this division of this Act.

16 18 Sec. 20. GENERAL FUND SALARY MONEYS. Funds appropriated
16 19 from the general fund of the state for distribution from the
16 20 salary adjustment fund in the section of this division of this
16 21 Act providing for funding of collective bargaining agreements
16 22 relate only to salaries supported from general fund
16 23 appropriations of the state. Funds appropriated from the
16 24 general fund of the state for employees of the state board of
16 25 regents relate only to salaries supported by tuition or from
16 26 general fund appropriations of the state and shall exclude
16 27 general university indirect costs and general university
16 28 federal funds.

16 29 Sec. 21. FEDERAL FUNDS APPROPRIATED. All federal grants
16 30 to and the federal receipts of the agencies affected by this
16 31 division of Act which are received and may be expended for
16 32 purposes of this division of this Act are appropriated for
16 33 those purposes and as set forth in the federal grants or
16 34 receipts.

16 35 Sec. 22. STATE TROOPER MEAL ALLOWANCE. The sworn peace
17 1 officers in the department of public safety who are not
17 2 covered by a collective bargaining agreement negotiated
17 3 pursuant to chapter 20 shall receive the same per diem meal
17 4 allowance as the sworn peace officers in the department of
17 5 public safety who are covered by a collective bargaining
17 6 agreement negotiated pursuant to chapter 20.

17 7 Sec. 23. SALARY MODEL ADMINISTRATOR. The salary model
17 8 administrator shall work in conjunction with the legislative
17 9 services agency to maintain the state's salary model used for
17 10 analyzing, comparing, and projecting state employee salary and
17 11 benefit information, including information relating to
17 12 employees of the state board of regents. The department of
17 13 revenue, the department of administrative services, the five
17 14 institutions under the jurisdiction of the state board of
17 15 regents, the judicial district departments of correctional
17 16 services, and the state department of transportation shall
17 17 provide salary data to the department of management and the
17 18 legislative services agency to operate the state's salary
17 19 model. The format and frequency of provision of the salary
17 20 data shall be determined by the department of management and
17 21 the legislative services agency. The information shall be
17 22 used in collective bargaining processes under chapter 20 and
17 23 in calculating the funding needs contained within the annual
17 24 salary adjustment legislation. A state employee organization
17 25 as defined in section 20.3, subsection 4, may request
17 26 information produced by the model, but the information
17 27 provided shall not contain information attributable to
17 28 individual employees.

17 29 DIVISION IV

17 30 MISCELLANEOUS STATUTORY CHANGES == APPROPRIATIONS

17 31 Sec. 24. NEW SECTION. 15.368 WORLD FOOD PRIZE AWARD AND
17 32 SUPPORT.

17 33 1. Commencing with the fiscal year beginning July 1, 2009,
17 34 there is annually appropriated from the general fund of the
17 35 state to the department one million dollars for the support of
18 1 the world food prize award.

18 2 2. The Iowa state capitol is designated as the primary
18 3 location for the annual ceremony to award the world food
18 4 prize.

18 5 Sec. 25. Section 16.92, subsection 5, paragraph c, Code
18 6 Supplement 2007, is amended to read as follows:

18 7 c. In addition to any other remedy provided by law, if the
18 8 division through an act of negligence wrongfully or
18 9 erroneously records a certificate of release under this
18 10 section, the division is liable to the mortgagee and mortgage
18 11 servicer for actual damages sustained due to the recording of
18 12 the certificate of release.

18 13 Sec. 26. Section 21.5, subsection 1, Code Supplement 2007,
18 14 is amended by adding the following new paragraph:

18 15 NEW PARAGRAPH. 1. To discuss patient care quality and
18 16 process improvement initiatives in a meeting of a public
18 17 hospital or to discuss marketing and pricing strategies or
18 18 similar proprietary information in a meeting of a public
18 19 hospital, where public disclosure of such information would
18 20 harm such a hospital's competitive position when no public

18 21 purpose would be served by public disclosure. The minutes and
18 22 the audio recording of a closed session under this paragraph
18 23 shall be available for public inspection when the public
18 24 disclosure would no longer harm the hospital's competitive
18 25 position. For purposes of this paragraph, "public hospital"
18 26 means the same as defined in section 249J.3. This paragraph
18 27 does not apply to the information required to be disclosed
18 28 pursuant to section 347.13, subsection 14, or to any
18 29 discussions relating to terms or conditions of employment,
18 30 including but not limited to compensation of an officer or
18 31 employee or group of officers or employees.

18 32 Sec. 27. Section 22.7, Code Supplement 2007, is amended by
18 33 adding the following new subsection:

18 34 NEW SUBSECTION. 60. CLOSED SESSION RECORDS. Information
18 35 in a record that would permit a governmental body subject to
19 1 chapter 21 to hold a closed session pursuant to section 21.5
19 2 in order to avoid public disclosure of that information, until
19 3 such time as final action is taken on the subject matter of
19 4 that information. Any portion of such a record not subject to
19 5 this subsection shall be made available to the public. After
19 6 the governmental body has taken final action on the subject
19 7 matter pertaining to the information in that record, this
19 8 subsection shall no longer apply. This subsection shall not
19 9 apply more than ninety days after a record is known to exist
19 10 by the governmental body, unless it is not possible for the
19 11 governmental body to take final action within ninety days.
19 12 The burden shall be on the governmental body to prove that
19 13 final action was not possible within the ninety-day period.

19 14 Sec. 28. Section 35A.8, subsection 5, paragraph a, Code
19 15 Supplement 2007, is amended to read as follows:

19 16 a. The executive director shall provide for the
19 17 administration of the bonus authorized in this subsection.
19 18 The ~~commission department~~ shall adopt rules, pursuant to
19 19 chapter 17A, as necessary to administer this subsection
19 20 including but not limited to application procedures,
19 21 investigation, approval or disapproval, and payment of claims.

19 22 Sec. 29. Section 35A.8, subsection 5, paragraph b,
19 23 subparagraph (1), Code Supplement 2007, is amended to read as
19 24 follows:

19 25 (1) A person who served on active duty for not less than
19 26 one hundred twenty days in the armed forces of the United
19 27 States, and who served on active duty at any time between July
19 28 1, 1973, and May 31, 1975, both dates inclusive, and who at
19 29 the time of entering into active duty service was a legal
19 30 resident of the state of Iowa, and who had maintained the
19 31 person's residence in this state for a period of at least six
19 32 months immediately before entering into active duty service,
19 33 and was honorably discharged or separated from active duty
19 34 service, or is still in active service in an honorable status,
19 35 or has been retired, or has been furloughed to a reserve, or
20 1 has been placed on inactive status is entitled to receive from
20 2 moneys appropriated for that purpose the sum of seventeen
20 3 dollars and fifty cents for each month that the person was on
20 4 active duty service in the Vietnam service area, within the
20 5 dates specified in this subparagraph, if the veteran earned
20 6 either a Vietnam service medal or an armed forces
20 7 expeditionary medal-Vietnam or can otherwise establish service
20 8 in the Vietnam service area during that period. Compensation
20 9 under this subparagraph shall not exceed a total sum of five
20 10 hundred dollars. Compensation for a fraction of a month shall
20 11 not be considered unless the fraction is sixteen days or more,
20 12 in which case the fraction shall be computed as a full month.

20 13 Sec. 30. NEW SECTION. 68A.401A REPORTING OF
20 14 CONTRIBUTIONS AND EXPENDITURES RELATING TO ISSUE ADVOCACY.

20 15 1. A political organization that is required to file
20 16 reports with the internal revenue service, pursuant to 26
20 17 U.S.C. } 527, shall file a report with the board if that
20 18 organization does both of the following:

20 19 a. Creates or disseminates a communication of issue
20 20 advocacy in this state.

20 21 b. Receives or expects to receive twenty-five thousand
20 22 dollars or more in gross receipts in any taxable year.

20 23 2. A report required under this section shall contain the
20 24 following information:

20 25 a. The amount, date, and purpose of each expenditure made
20 26 to a person if the aggregate amount of expenditures to such
20 27 person during the calendar year equals or exceeds five hundred
20 28 dollars and the name and address of the person, and, in the
20 29 case of an individual, the occupation and name of employer of
20 30 the individual.

20 31 b. The name and address, and, in the case of an

20 32 individual, the occupation and name of employer of such
20 33 individual, of all contributors which contributed an aggregate
20 34 amount of two hundred dollars or more to the organization
20 35 during the calendar year and the amount and date of the
21 1 contribution.

21 2 3. The board shall by rule establish a procedure for the
21 3 filing of reports required by this section. To the extent
21 4 practicable the reporting periods and filing due dates shall
21 5 be the same as set out in 26 U.S.C. } 527(j)(2).

21 6 4. The term "issue advocacy" means any print, radio,
21 7 televised, telephonic, or electronic communication in any form
21 8 or content, which is disseminated to the general public or a
21 9 segment of the general public, that refers to a clearly
21 10 identified candidate for the general assembly or statewide
21 11 office.

21 12 5. The penalty set out in section 68A.701 does not apply
21 13 to a violation of this section. The penalties for a violation
21 14 of this section are as set out in section 68B.32D.

21 15 Sec. 31. Section 135B.5, Code 2007, is amended to read as
21 16 follows:

21 17 135B.5 ISSUANCE AND RENEWAL OF LICENSE.

21 18 1. Upon receipt of an application for license and the
21 19 license fee, the department shall issue a license if the
21 20 applicant and hospital facilities comply with this chapter and
21 21 the rules of the department. Each licensee shall receive
21 22 annual reapproval upon payment of ~~ten one thousand~~ dollars and
21 23 upon filing of an application form which is available from the
21 24 department. Licenses shall be either general or restricted in
21 25 form. Each license shall be issued only for the premises and
21 26 persons or governmental units named in the application and is
21 27 not transferable or assignable except with the written
21 28 approval of the department. Licenses shall be posted in a
21 29 conspicuous place on the licensed premises as prescribed by
21 30 rule of the department.

21 31 2. ~~Provided, however, that the~~ The provisions of this
21 32 section shall not in any way affect, change, deny or nullify
21 33 any rights set forth in, or arising from the provisions of
21 34 this chapter and particularly section 135B.7, arising before
21 35 or after December 31, 1960.

22 1 Sec. 32. Section 135B.7, unnumbered paragraph 1, Code
22 2 2007, is amended to read as follows:

22 3 The department, with the advice and approval ~~of the~~
22 4 ~~hospital licensing board and approval~~ of the state board of
22 5 health, shall adopt rules setting out the standards for the
22 6 different types of hospitals to be licensed under this
22 7 chapter. The department shall enforce the rules. Rules or
22 8 standards shall not be adopted or enforced which would have
22 9 the effect of denying a license to a hospital or other
22 10 institution required to be licensed, solely by reason of the
22 11 school or system of practice employed or permitted to be
22 12 employed by physicians in the hospital, if the school or
22 13 system of practice is recognized by the laws of this state.

22 14 Sec. 33. Section 136.1, Code 2007, is amended to read as
22 15 follows:

22 16 136.1 COMPOSITION OF BOARD.

22 17 1. The state board of health shall consist of the
22 18 following members: Five members learned in health-related
22 19 disciplines, two members who have direct experience with
22 20 substance abuse treatment or prevention, two members who
22 21 possess a recognized ability in the field of hospital
22 22 administration. and four members representing the general
22 23 public.

22 24 2. The director of public health shall serve as secretary
22 25 of the board.

22 26 Sec. 34. Section 136.2, Code 2007, is amended to read as
22 27 follows:

22 28 136.2 APPOINTMENT.

22 29 1. All members of the state board of health shall be
22 30 appointed by the governor to three-year staggered terms which
22 31 shall expire on June 30.

22 32 2. The governor shall appoint annually successors to the
22 33 ~~three~~ board members whose terms expire that year. A vacancy
22 34 occurring on the board shall be filled by the governor for the
22 35 unexpired term of the vacancy.

23 1 Sec. 35. Section 175.2, subsection 1, paragraph m, Code
23 2 2007, is amended to read as follows:

23 3 m. (1) "Low or moderate net worth" means a person's
23 4 aggregate net worth calculated as a designated amount
23 5 established pursuant to rules adopted by the authority and
23 6 effective for one year. The designated amount shall be
23 7 established by January 1 of each year by adjusting the

23 8 designated amount effective on the previous December 31. The
23 9 authority shall establish the designated amount in accordance
23 10 with the prices paid by farmers index as compiled by the
23 11 United States department of agriculture.

23 12 (2) "Low or moderate net worth" as applied to the
23 13 following persons means:

23 14 (1) (a) For an individual, an aggregate net worth of the
23 15 individual and the individual's spouse and minor children of
23 16 less than ~~three hundred thousand dollars~~ the designated
23 17 amount.

23 18 (2) (b) For a partnership, an aggregate net worth of all
23 19 partners, including each partner's net capital in the
23 20 partnership, and each partner's spouse and minor children of
23 21 less than ~~six hundred thousand dollars~~ twice the designated
23 22 amount. However, the aggregate net worth of each partner and
23 23 that partner's spouse and minor children shall not exceed
23 24 ~~three hundred thousand dollars~~ the designated amount.

23 25 (3) (c) For a family farm corporation, an aggregate net
23 26 worth of all shareholders, including the value of each
23 27 shareholder's share in the family farm corporation, and each
23 28 shareholder's spouse and minor children of less than ~~six~~
23 29 ~~hundred thousand dollars~~ twice the designated amount.

23 30 However, the aggregate net worth of each shareholder and that
23 31 shareholder's spouse and minor children shall not exceed ~~three~~
23 32 ~~hundred thousand dollars~~ the designated amount.

23 33 (4) (d) For a family farm limited liability company, an
23 34 aggregate net worth of all members, including each member's
23 35 ownership interest in the family farm limited liability
24 1 company, and each member's spouse and minor children of less
24 2 than ~~six hundred thousand dollars~~ twice the designated amount.

24 3 However, the aggregate net worth of each member and that
24 4 member's spouse and minor children shall not exceed ~~three~~
24 5 ~~hundred thousand dollars~~ the designated amount.

24 6 Sec. 36. NEW SECTION. 279.67 COMPETITIVE LIVING WAGE.

24 7 It is the goal of this state that every employee of a
24 8 public school corporation be provided with a competitive
24 9 living wage.

24 10 Sec. 37. Section 321J.13, subsection 6, Code 2007, is
24 11 amended to read as follows:

24 12 6. a. The department shall grant a request for a hearing
24 13 to rescind the revocation or disqualification if the person
24 14 whose motor vehicle license, commercial drivers license, or
24 15 operating privilege has been or is being revoked or
24 16 disqualified under section 321.208, 321J.9, or 321J.12 submits
24 17 a petition containing information relating to the discovery of
24 18 new evidence that provides grounds for rescision of the
24 19 revocation or disqualification.

24 20 b. The person shall prevail at the hearing if, in the
24 21 criminal action on the charge of violation of section 321J.2
24 22 or 321J.2A resulting from the same circumstances that resulted
24 23 in the administrative revocation or disqualification being
24 24 challenged, the court held one of the following:

24 25 (1) That the peace officer did not have reasonable grounds
24 26 to believe that a violation of section 321J.2 or 321J.2A had
24 27 occurred to support a request for or to administer a chemical
24 28 test.

24 29 (2) That the chemical test was otherwise inadmissible or
24 30 invalid.

24 31 c. Such a holding by the court in the criminal action is
24 32 binding on the department, and the department shall rescind
24 33 the revocation or disqualification.

24 34 Sec. 38. Section 331.304, subsection 10, Code Supplement
24 35 2007, is amended to read as follows:

25 1 10. A county shall not adopt or enforce any ordinance
25 2 imposing any registration or licensing system or registration
25 3 or license fees for or relating to owner-occupied manufactured
25 4 or mobile homes including the lots, or lands, or manufactured
25 5 home community or mobile home park upon or in which they are

25 6 located. A county shall not adopt or enforce any ordinance
25 7 imposing any registration or licensing system, or registration
25 8 or license fees, or safety or sanitary standards for rental
25 9 manufactured or mobile homes unless similar registration or
25 10 licensing system, or registration or license fees, or safety
25 11 or sanitary standards are required for other rental properties
25 12 intended for human habitation. This subsection does not
25 13 preclude the investigation and abatement of a nuisance or the
25 14 enforcement of a tiedown system, or the enforcement of any
25 15 regulations of the state or local board of health if those
25 16 regulations apply to other rental properties or to
25 17 owner-occupied housing intended for human habitation.

25 18 Sec. 39. Section 364.3, subsection 5, Code 2007, is

25 19 amended to read as follows:

25 20 5. A city shall not adopt or enforce any ordinance
25 21 imposing any registration or licensing system or registration
25 22 or license fees for or relating to owner-occupied manufactured
25 23 or mobile homes including the lots, ~~or lands, or manufactured~~
25 24 home community or mobile home park upon or in which they are
25 25 located. A city shall not adopt or enforce any ordinance
25 26 imposing any registration or licensing system, or registration
25 27 or license fees, or safety or sanitary standards for rental
25 28 manufactured or mobile homes unless a similar registration or
25 29 licensing system, or registration or license fees, or safety
25 30 or sanitary standards are required for other rental properties
25 31 intended for human habitation. This subsection does not
25 32 preclude the investigation and abatement of a nuisance or the
25 33 enforcement of a tiedown system, or the enforcement of any
25 34 regulations of the state or local board of health if those
25 35 regulations apply to other rental properties or to
26 1 owner-occupied housing intended for human habitation.

26 2 Sec. 40. Section 423.6, subsection 14, Code 2007, is
26 3 amended to read as follows:

26 4 14. Mobile homes to the extent of the portion of the
26 5 purchase price of the mobile home which is not attributable to
26 6 the cost of the tangible personal property used in the
26 7 processing of the mobile home, and manufactured housing to the
26 8 extent of the purchase price or the installed purchase price
26 9 of the manufactured housing which is not attributable to the
26 10 cost of the tangible personal property used in the processing
26 11 of the manufactured housing. For purposes of this exemption,
26 12 the portion of the purchase price which is not attributable to
26 13 the cost of the tangible personal property used in the
26 14 processing of the mobile home is ~~forty eighty~~ percent and the
26 15 portion of the purchase price or installed purchase price
26 16 which is not attributable to the cost of the tangible personal
26 17 property used in the processing of the manufactured housing is
26 18 ~~forty eighty~~ percent.

26 19 Sec. 41. Section 423F.2, subsection 1, as enacted by 2008
26 20 Iowa Acts, House File 2663, section 28, if enacted, is amended
26 21 by adding the following new paragraph:

26 22 NEW PARAGRAPH. bb. In the case of school districts
26 23 located in whole or in part in a county that had not
26 24 previously imposed the local sales and services tax for school
26 25 infrastructure purposes prior to January 1, 2007, and which
26 26 voted on and approved such tax after January 1, 2007, and
26 27 before July 1, 2007, if the percent change in the amount of
26 28 state sales tax revenues collected in that county to be
26 29 deposited in the general fund of the state for the fiscal year
26 30 compared to the amount of such revenues collected in that
26 31 county for the previous fiscal year as estimated by the
26 32 department of revenue is greater than the revenue factor as
26 33 determined pursuant to section 423E.4, subsection 8, paragraph
26 34 "a", the director of revenue shall base the amount of moneys
26 35 to be distributed to such school districts on the greater
27 1 percentage increase. This paragraph is repealed June 30,
27 2 2012.

27 3 Sec. 42. Section 441.37A, subsection 1, unnumbered
27 4 paragraph 1, Code 2007, is amended to read as follows:

27 5 For the assessment year beginning January 1, 2007, and all
27 6 subsequent assessment years, appeals may be taken from the
27 7 action of the board of review with reference to protests of
27 8 assessment, valuation, or application of an equalization order
27 9 to the property assessment appeal board created in section
27 10 421.1A. However, a property owner or aggrieved taxpayer or an
27 11 appellant described in section 441.42 may bypass the property
27 12 assessment appeal board and appeal the decision of the local
27 13 board of review to the district court pursuant to section
27 14 441.38. For an appeal to the property assessment appeal board
27 15 to be valid, written notice must be filed by the party
27 16 appealing the decision with the secretary of the property
27 17 assessment appeal board within twenty days after the date the
27 18 board of review's letter of disposition of the appeal is
27 19 postmarked to the party making the protest. The written
27 20 notice of appeal shall include a petition setting forth the
27 21 basis of the appeal and the relief sought. No new grounds in
27 22 addition to those set out in the protest to the local board of
27 23 review as provided in section 441.37 can be pleaded, but
27 24 additional evidence to sustain those grounds may be
27 25 introduced. The assessor shall have the same right to appeal
27 26 to the assessment appeal board as an individual taxpayer,
27 27 public body, or other public officer as provided in section
27 28 441.42. An appeal to the board is a contested case under
27 29 chapter 17A.

27 30 Sec. 43. Section 441.37A, subsection 2, unnumbered
27 31 paragraph 2, Code 2007, is amended to read as follows:

27 32 An appeal may be considered by less than a majority of the
27 33 members of the board, and the chairperson of the board may
27 34 assign members to consider appeals. If a hearing is
27 35 requested, it shall be open to the public and shall be
28 1 conducted in accordance with the rules of practice and
28 2 procedure adopted by the board. However, any deliberation of
28 3 a board member considering the appeal in reaching a decision
28 4 on any appeal shall be confidential. A meeting of the board
28 5 to rule on procedural motions in a pending appeal or to
28 6 deliberate on the decision to be reached in an appeal is

28 7 exempt from the provisions of chapter 21. The property
28 8 assessment appeal board or any member of the board may require
28 9 the production of any books, records, papers, or documents as
28 10 evidence in any matter pending before the board that may be
28 11 material, relevant, or necessary for the making of a just
28 12 decision. Any books, records, papers, or documents produced
28 13 as evidence shall become part of the record of the appeal.
28 14 Any testimony given relating to the appeal shall be
28 15 transcribed and made a part of the record of the appeal.

28 16 Sec. 44. Section 441.38, subsection 1, Code 2007, is
28 17 amended to read as follows:

28 18 1. Appeals may be taken from the action of the local board
28 19 of review with reference to protests of assessment, to the
28 20 district court of the county in which the board holds its
28 21 sessions within twenty days after its adjournment or May 31,
28 22 whichever date is later. Appeals may be taken from the action
28 23 of the property assessment appeal board to the district court
28 24 of the county where the property which is the subject of the
28 25 appeal is located or to the district court of Polk county
28 26 within twenty days after the letter of disposition of the
28 27 appeal by the property assessment appeal board is postmarked
28 28 to the appellant. No new grounds in addition to those set out
28 29 in the protest to the local board of review as provided in
28 30 section 441.37, or in addition to those set out in the appeal
28 31 to the property assessment appeal board, if applicable, can be
28 32 pleaded, ~~but additional.~~ Additional evidence to sustain those
28 33 grounds may be introduced in an appeal from the local board of
28 34 review to the district court. However, no new evidence to

28 35 sustain those grounds may be introduced in an appeal from the
29 1 property assessment appeal board to the district court. The
29 2 assessor shall have the same right to appeal and in the same
29 3 manner as an individual taxpayer, public body, or other public
29 4 officer as provided in section 441.42. Appeals shall be taken
29 5 by filing a written notice of appeal with the clerk of
29 6 district court. Filing of the written notice of appeal shall
29 7 preserve all rights of appeal of the appellant.

29 8 Sec. 45. NEW SECTION. 441.38B APPEAL TO DISTRICT COURT
29 9 FROM PROPERTY ASSESSMENT APPEAL BOARD.

29 10 A person or party who is aggrieved or adversely affected by
29 11 a decision of the property assessment appeal board may seek
29 12 judicial review of the decision as provided in chapter 17A and
29 13 section 441.38.

29 14 Sec. 46. Section 441.43, Code 2007, is amended to read as
29 15 follows:

29 16 441.43 POWER OF COURT.

29 17 Upon trial of any appeal from the action of the board of
29 18 review ~~or of the property assessment appeal board~~ fixing the
29 19 amount of assessment upon any property concerning which
29 20 complaint is made, the court may increase, decrease, or affirm
29 21 the amount of the assessment appealed from.

29 22 Sec. 47. NEW SECTION. 455C.17 GRANTS FOR INDEPENDENT
29 23 REDEMPTION CENTERS.

29 24 1. An independent redemption center grant program shall be
29 25 established by the department to award grants for improvements
29 26 to independent redemption centers. An "independent redemption
29 27 center" is a redemption center that is also a nonprofit or a
29 28 for-profit facility that has existed prior to July 1, 2008,
29 29 and that is not affiliated with or in any way a subsidiary of
29 30 a dealer, a distributor, or a manufacturer.

29 31 2. a. An independent redemption center grant fund is
29 32 established in the state treasury under the authority of the
29 33 department. The fund shall consist of moneys appropriated to
29 34 the fund or appropriated to the department for purposes of the
29 35 grant program. Moneys in the fund are appropriated to the
30 1 department to be used for the grant program.

30 2 b. Notwithstanding section 8.33, moneys in the fund at the
30 3 close of any fiscal year shall not revert to any other fund
30 4 but shall remain in the fund for the subsequent fiscal year to
30 5 be used for purposes of the fund.

30 6 3. a. Moneys in the grant fund shall be used by the
30 7 department to provide grants to independent redemption centers
30 8 for purposes of making improvements to such centers. The
30 9 department shall not award grants in a fiscal year in an
30 10 aggregate of more than one million dollars. A grant shall not
30 11 exceed fifteen thousand dollars for any independent redemption
30 12 center.

30 13 b. The department shall not pay administrative costs
30 14 relating to the management of the grant program in excess of
30 15 three and one-half percent of the moneys in the fund in a
30 16 fiscal year.

30 17 Sec. 48. Section 535.8, subsection 1, Code 2007, is
30 18 amended by striking the subsection and inserting in lieu
30 19 thereof the following:

30 20 1. DEFINITIONS. For purposes of this section, unless the
30 21 context otherwise requires:

30 22 a. "Lender" means a person who makes or originates a loan;
30 23 a person who is identified as a lender on the loan documents;
30 24 a person who arranges, negotiates, or brokers a loan; and a
30 25 person who provides any goods or services as an incident to or
30 26 as a condition required for the making or closing of the loan.
30 27 "Lender" does not include a licensed attorney admitted to
30 28 practice in this state acting solely as an incident to the
30 29 practice of law.

30 30 b. "Loan" means a loan of money which is wholly or in part
30 31 to be used for the purpose of purchasing real property which
30 32 is a single-family or two-family dwelling occupied or to be
30 33 occupied by the borrower. A loan includes the refinancing of
30 34 a contract of sale, and the refinancing of a prior loan,
30 35 whether or not the borrower also was the borrower under the
31 1 prior loan, and the assumption of a prior loan.

31 2 Sec. 49. Section 535.8, subsection 2, paragraphs a and b,
31 3 Code 2007, are amended to read as follows:

31 4 a. ~~A lender may collect borrower may be charged by a~~
31 5 ~~lender~~, in connection with a loan made pursuant to a written
31 6 agreement executed by the borrower on or after July 1, 1983,
31 7 or in connection with a loan made pursuant to a written
31 8 commitment by the lender mailed or delivered to the borrower
31 9 on or after that date, a loan origination or processing fee, a
31 10 broker fee, or both, which ~~does together~~ do not exceed two
31 11 percent of an amount which is equal to the loan principal;
31 12 except that to the extent of an assumption by a new borrower
31 13 of the obligation to make payments under a prior loan, or to
31 14 the extent that the loan principal is used to refinance a
31 15 prior loan between the same borrower and the same lender, the
31 16 ~~lender may collect borrower may be charged by a lender~~ a loan
31 17 origination or processing fee, a broker fee, or both, which
31 18 ~~does together~~ do not exceed an amount which is a reasonable
31 19 estimate of the expenses of processing the loan assumption or
31 20 refinancing but which does not exceed one percent of the
31 21 unpaid balance of the loan that is assumed or refinanced. In
31 22 addition, a ~~lender may collect from a borrower, a seller of~~
31 23 ~~property, another lender, or any other person, or from any~~
31 24 ~~combination of these persons~~ borrower may be charged by a
31 25 lender, in contemplation of or in connection with a loan, a
31 26 commitment fee, closing fee, or both, that is agreed to in
31 27 writing by the lender and the ~~persons from whom the charges~~
31 28 ~~are to be collected~~ borrower. A loan fee ~~collected paid by a~~
31 29 ~~borrower to a lender~~ under this paragraph is compensation to
31 30 the lender solely for the use of money, notwithstanding any
31 31 provision of the agreement to the contrary. However, a loan
31 32 fee collected under this paragraph shall be disregarded for
31 33 purposes of determining the maximum charge permitted by
31 34 section 535.2 or 535.9, subsection 2. ~~The collection~~ A lender
31 35 is prohibited from charging a borrower in connection with a
32 1 loan ~~of~~ a loan origination or processing fee, broker fee,
32 2 closing fee, commitment fee, or similar charge is prohibited
32 3 other than expressly authorized by this paragraph or a payment
32 4 reduction fee authorized by subsection 3.

32 5 b. ~~A lender may collect borrower may be charged by a~~
32 6 ~~lender~~ in connection with a loan any of the following costs
32 7 which are incurred by the lender in connection with the loan
32 8 and which are disclosed to the borrower:

32 9 (1) Credit reports.

32 10 (2) Appraisal fees paid to a third party, or when the
32 11 appraisal is performed by the lender, a fee which is a
32 12 reasonable estimate of the expense incurred by the lender in
32 13 performing the appraisal.

32 14 (3) Attorney's opinions.

32 15 (4) Abstracting fees paid to a third party, or when the
32 16 abstracting is performed by the lender, a fee which is a

32 17 reasonable estimate of the expense incurred by the lender in
32 18 performing the abstracting.
32 19 (5) County recorder's fees.
32 20 (6) Inspection fees.
32 21 (7) Mortgage guarantee insurance charge.
32 22 (8) Surveying of property.
32 23 (9) Termite inspection.
32 24 (10) The cost of a title guaranty issued by the Iowa
32 25 finance authority pursuant to chapter 16.
32 26 (11) A bona fide and reasonable settlement or closing fee
32 27 which is paid to a third party to settle or close the loan.

32 28 The lender shall not charge the borrower for the cost of
32 29 revenue stamps or real estate commissions which are paid by
32 30 the seller.
32 31 ~~The collection of A lender shall not charge the borrower~~
32 32 any costs other than ~~as~~ expressly permitted by this paragraph
32 33 "b" ~~is prohibited~~. However, additional costs incurred in
32 34 connection with a loan under this paragraph "b", if bona fide
32 35 and reasonable, may be collected by a state-chartered
33 1 financial institution licensed under chapter 524, 533, or 534,
33 2 to the extent permitted under applicable federal law as
33 3 determined by the office of the comptroller of the currency of
33 4 the United States department of treasury, the national credit
33 5 union administration, or the office of thrift supervision of
33 6 the United States department of treasury. Such costs shall
33 7 apply only to the same type of state-chartered entity as the
33 8 federally chartered entity affected and shall apply to and may
33 9 be collected by an insurer organized under chapter 508 or 515,
33 10 or otherwise authorized to conduct the business of insurance
33 11 in this state.

33 12 Nothing in this section shall be construed to change the
33 13 prohibition against the sale of title insurance or sale of
33 14 insurance against loss or damage by reason of defective title
33 15 or encumbrances as provided in section 515.48, subsection 10.

33 16 Sec. 50. NEW SECTION. 537.3312 GIFT CERTIFICATES == FEES
33 17 EXPIRATION DATES == VIOLATIONS.

33 18 1. A gift certificate shall be redeemable for its full
33 19 value. A seller, issuer, or holder of a gift certificate
33 20 shall not do any of the following:

33 21 a. Assess, charge, or deduct a fee or other charge from or
33 22 with respect to a gift certificate.

33 23 b. Sell or issue a gift certificate that includes, bears,
33 24 or is otherwise subject to an expiration date.

33 25 c. Impose any other term or condition on a gift
33 26 certificate that would limit the ability of the owner to
33 27 redeem the gift certificate for its full value.

33 28 2. A violation of this section is an unfair practice under
33 29 section 714.16, and is additionally subject to the penalty
33 30 provisions of section 537.5201.

33 31 Sec. 51. Section 556.1, Code Supplement 2007, is amended
33 32 by adding the following new subsection:

33 33 NEW SUBSECTION. 4A. "Gift certificate" means a writing,
33 34 instrument, record, or other tangible medium of expression
33 35 generally purchased by a buyer for use by a person other than
34 1 the buyer, or for use by the buyer at a later date, for the
34 2 purchase of goods, property, services, or other consideration
34 3 sold or provided by the seller or issuer and includes but is
34 4 not limited to any of the following:

34 5 a. An electronic card with a stored or banked dollar
34 6 value.

34 7 b. A merchandise credit.

34 8 c. A certificate or card exchangeable for the full face
34 9 value of a future purchase or delivery of goods, property,
34 10 services, or any other consideration.

34 11 d. Any other medium that evidences a grant of
34 12 consideration in exchange for the right to redeem the
34 13 certificate for goods, property, services, credit, or money of
34 14 at least an equal value as that of the certificate.

34 15 Sec. 52. Section 556.9, subsection 2, Code 2007, is
34 16 amended to read as follows:

34 17 2. An issuer of a gift certificate shall not deduct from
34 18 the face value of the gift certificate any charge imposed due
34 19 to the failure of the owner of the gift certificate to present
34 20 the gift certificate ~~in a timely manner, unless a valid and~~
~~34 21 enforceable written contract exists between the issuer and the~~
~~34 22 owner of the gift certificate pursuant to which the issuer~~
~~34 23 regularly imposes such charges and does not regularly reverse~~
~~34 24 or otherwise cancel them.~~ For purposes of this subsection,
34 25 "gift certificate" means a merchandise certificate or
34 26 electronic gift card conspicuously designated as a gift
34 27 certificate or electronic gift card, and generally purchased

34 28 by a buyer for use by a person other than the buyer.

34 29 Sec. 53. Section 622.10, subsection 3, paragraphs a, d,
34 30 and e, Code Supplement 2007, are amended to read as follows:

34 31 a. In a civil action in which the condition of the
34 32 plaintiff in whose favor the prohibition is made is an element
34 33 or factor of the claim or defense of the adverse party or of
34 34 any party claiming through or under the adverse party, the
34 35 adverse party shall make a written request for records
35 1 relating to the condition alleged upon the plaintiff's ~~counsel~~
35 2 attorney for a legally sufficient patient's waiver under
35 3 federal and state law. Upon receipt of a written request, the
35 4 plaintiff shall execute ~~the~~ a legally sufficient patient's
35 5 waiver and release it to the adverse party making the request
35 6 within sixty days of receipt of the written request. The
35 7 patient's waiver may require a physician or surgeon, physician
35 8 assistant, advanced registered nurse practitioner, or mental
35 9 health professional to do all of the following:

35 10 (1) Provide a complete copy of the patient's records
35 11 including, but not limited to, any reports or diagnostic
35 12 imaging relating to the condition alleged.

35 13 (2) Consult with the attorney for the adverse party prior
35 14 to providing testimony regarding the plaintiff's medical
35 15 history and the condition alleged and opinions regarding
35 16 health etiology and prognosis for the condition alleged
35 17 subject to the limitations in ~~paragraph~~ paragraphs "c" and
35 18 "e".

35 19 d. Any physician or surgeon, physician assistant, advanced
35 20 registered nurse practitioner, or mental health professional
35 21 who provides records or consults with the ~~counsel~~ attorney for
35 22 ~~the adverse~~ any party shall be entitled to charge a reasonable
35 23 fee for production of the records, diagnostic imaging, and
35 24 consultation. Any party seeking consultation shall be
35 25 responsible for payment of all charges. The ~~fee~~ fees for
35 26 copies of any records shall ~~be based upon actual cost of~~
35 27 ~~production be as specified in subsection 4A.~~

35 28 e. Defendant's counsel shall provide a written notice to
35 29 plaintiff's ~~counsel~~ attorney in a manner consistent with the
35 30 Iowa rules of civil procedure providing for notice of
35 31 deposition at least ten days prior to any meeting with
35 32 plaintiff's physician or surgeon, physician assistant,
35 33 advanced registered nurse practitioner, or mental health
35 34 professional. Plaintiff's ~~counsel~~ attorney has the right to
35 35 be present at all such meetings, or participate in telephonic
36 1 communication with the physician or surgeon, physician
36 2 assistant, advanced registered nurse practitioner, or mental
36 3 health professional and ~~counsel~~ attorney for the defendant.
36 4 Prior to scheduling any meeting or engaging in any
36 5 communication with the physician or surgeon, physician
36 6 assistant, advanced registered nurse practitioner, or mental
36 7 health professional, attorney for the defendant shall confer
36 8 with plaintiff's attorney to determine a mutually convenient
36 9 date and time for such meeting or telephonic communication.

36 10 Plaintiff's ~~counsel~~ attorney may seek a protective order
36 11 structuring all communication by making application to the
36 12 court at any time.

36 13 Sec. 54. Section 622.10, subsection 4, Code Supplement
36 14 2007, is amended to read as follows:

36 15 4. If an adverse party desires the oral deposition, either
36 16 discovery or evidentiary, of a physician or surgeon, physician
36 17 assistant, advanced registered nurse practitioner, or mental
36 18 health professional to which the prohibition would otherwise
36 19 apply or the stenographer or confidential clerk of a physician
36 20 or surgeon, physician assistant, advanced registered nurse
36 21 practitioner, or mental health professional or desires to call
36 22 a physician or surgeon, physician assistant, advanced
36 23 registered nurse practitioner, or mental health professional
36 24 to which the prohibition would otherwise apply or the
36 25 stenographer or confidential clerk of a physician or surgeon,
36 26 physician assistant, advanced registered nurse practitioner,
36 27 or mental health professional as a witness at the trial of the
36 28 action, the adverse party shall file an application with the
36 29 court for permission to do so. The court upon hearing, which
36 30 shall not be ex parte, shall grant permission unless the court
36 31 finds that the evidence sought does not relate to the
36 32 condition alleged ~~and~~. At the request of any party or at the
36 33 request of the deponent, the court shall fix a reasonable fee
36 34 to be paid to the a physician or surgeon, physician assistant,
36 35 advanced registered nurse practitioner, or mental health
37 1 professional by the party taking the deposition or calling the
37 2 witness.

37 3 Sec. 55. Section 622.10, Code Supplement 2007, is amended

37 4 by adding the following new subsection:

37 5 NEW SUBSECTION. 4A. At any time, upon a written request
37 6 from a patient, a patient's legal representative or attorney,
37 7 or an adverse party pursuant to subsection 3, any provider
37 8 shall provide copies of the requested records or images to the
37 9 requester within thirty days of receipt of the written
37 10 request. The written request shall be accompanied by a
37 11 legally sufficient patient's waiver unless the request is made
37 12 by the patient or the patient's legal representative or
37 13 attorney. The provider shall also produce copies of patient
37 14 records or images contained in the provider's files generated
37 15 by another provider.

37 16 a. The fee charged for the cost of producing the requested
37 17 records or images shall be based upon the actual cost of
37 18 production. If the written request and accompanying patient's
37 19 waiver, if required, authorizes the release of all of the
37 20 patient's records for the requested time period, including
37 21 records relating to the patient's mental health, substance
37 22 abuse, and acquired immune deficiency syndrome-related
37 23 conditions, the amount charged shall not exceed the rates
37 24 established by the workers' compensation commissioner for
37 25 copies of records in workers' compensation cases. If
37 26 requested, the provider shall include an affidavit certifying
37 27 that the records or images produced are true and accurate
37 28 copies of the originals for an additional fee not to exceed
37 29 ten dollars.

37 30 b. A patient or a patient's legal representative or a
37 31 patient's attorney is entitled to one copy free of charge of
37 32 the patient's complete billing statement, subject only to a
37 33 charge for the actual costs of postage or delivery charges
37 34 incurred in providing the statement. If requested, the
37 35 provider or custodian of the record shall include an affidavit
38 1 certifying the billing statements produced to be true and
38 2 accurate copies of the originals for an additional fee not to
38 3 exceed ten dollars.

38 4 c. Fees charged pursuant to this subsection are not
38 5 subject to a sales or use tax. A provider providing the
38 6 records or images may require payment in advance if an
38 7 itemized statement demanding such is provided to the
38 8 requesting party within fifteen days of the request. Upon a
38 9 timely request for payment in advance, the time for providing
38 10 the records or images shall be extended until the greater of
38 11 thirty days from the date of the original request or ten days
38 12 from the receipt of payment.

38 13 d. If a provider does not provide to the requester all
38 14 records or images encompassed by the request or does not allow
38 15 a patient access to all of the patient's medical records
38 16 encompassed by the patient's request to examine the patient's
38 17 records, the provider shall give written notice to the
38 18 requester or the patient that providing the requested records
38 19 or images would be a violation of the federal Health Insurance
38 20 Portability and Accountability Act of 1996, Pub. L. No.
38 21 104=191.

38 22 e. As used in this subsection:

38 23 (1) "Records" and "images" include electronic media and
38 24 data containing a patient's health or billing information and
38 25 "copies" includes patient records or images provided in
38 26 electronic form, regardless of the form of the originals. If
38 27 consented to by the requesting party, records and images
38 28 produced pursuant to this subsection may be produced on
38 29 electronic media.

38 30 (2) "Provider" means any physician or surgeon, physician
38 31 assistant, advanced registered nurse practitioner, mental
38 32 health professional, hospital, nursing home, or other person,
38 33 entity, facility, or organization that furnishes, bills, or is
38 34 paid for health care in the normal course of business.

38 35 Sec. 56. NEW SECTION. 692A.3B PRESENCE ON THE REAL
39 1 PROPERTY COMPRISING A CHILD CARE FACILITY OR CHILD CARE HOME
39 2 == RESTRICTION.

39 3 1. As used in this section, "child care provider" includes
39 4 a "child care center", "child care home", "child development
39 5 home", and "preschool" as those terms are defined in section
39 6 237A.1, and a "child care program" as defined in section
39 7 279.49 and authorized in section 280.3A.

39 8 2. A person required to register under this chapter who
39 9 has been convicted of a criminal offense against a minor, or
39 10 an offense involving a minor that is an aggravated offense,
39 11 sexually violent offense, or other relevant offense, shall not
39 12 be knowingly present on the real property comprising a child
39 13 care provider, except under one of the following
39 14 circumstances:

39 15 a. The person is transporting a minor who is a child of
39 16 the person to or from the child care provider.

39 17 b. The person is responding to a health or behavioral
39 18 emergency regarding a minor who is the child of the person.

39 19 c. The person has been summoned to discuss the
39 20 developmental activity or social progress of a minor who is a
39 21 child of the person.

39 22 d. The person is voting in the building in which the child
39 23 care provider is located during the hours designated to vote.

39 24 3. The child care provider's owner or administrator shall
39 25 provide notice to the parents, guardians, or custodians of the
39 26 children receiving child care from the child care provider
39 27 about the presence of a person on the real property comprising
39 28 the child care provider, as authorized in accordance with
39 29 subsection 2.

39 30 4. A person required to register under this chapter who
39 31 commits a violation of this section commits an aggravated
39 32 misdemeanor.

39 33 Sec. 57. REAL ESTATE EDUCATION PROGRAM. There is
39 34 appropriated from the general fund of the state to the state
39 35 board of regents for the fiscal year beginning July 1, 2008,
40 1 and ending June 30, 2009, the following amount, or so much
40 2 thereof as is necessary, to be used for the purposes
40 3 designated:

40 4 For allocation to the university of northern Iowa for the
40 5 real estate education program:

40 6 \$ 160,000

40 7 Notwithstanding section 8.33, moneys appropriated in this
40 8 section that remain unencumbered or unobligated at the close
40 9 of the fiscal year shall not revert but shall remain available
40 10 for expenditure for the purposes designated until the close of
40 11 the succeeding fiscal year.

40 12 Sec. 58. Sections 135B.10 and 135B.11, Code 2007, are
40 13 repealed.

40 14 Sec. 59. APPLICABILITY. The sections of this division of
40 15 this Act amending section 21.5, subsection 1, and section
40 16 22.7, do not apply to any litigation before any court of this
40 17 state filed prior to July 1, 2008.

40 18 Sec. 60. INCOME TAXATION == ACTIVE DUTY MILITARY PAY.
40 19 Notwithstanding section 422.7, subsection 40, the net income
40 20 of a member of the national guard who served from August 1,
40 21 2004, to January 31, 2006, on full-time military duty as a
40 22 mobilization augments in a rear detachment support assignment
40 23 for a national guard unit deployed pursuant to orders related
40 24 to Operation Iraqi Freedom, shall be calculated for those tax
40 25 years as provided in section 422.7 by subtracting, to the
40 26 extent included, the amount of full-time national guard duty
40 27 pay received.

40 28 Sec. 61. LOW OR MODERATE NET WORTH == DESIGNATED AMOUNT
40 29 ESTABLISHED. For the period beginning July 1, 2008, and
40 30 ending December 31, 2008, the designated amount used to
40 31 determine a person's aggregate net worth as provided in
40 32 section 175.2, subsection 1, as amended in this division of
40 33 this Act, is five hundred thousand dollars.

40 34 Sec. 62. CHARTER AGENCY GRANT FUND. Notwithstanding
40 35 sections 7J.2 and 8.33 or any other provision of law, moneys
41 1 appropriated to the department of management from the charter
41 2 agency grant fund that remain unencumbered or unobligated at
41 3 the close of the fiscal year beginning July 1, 2007, shall not
41 4 revert but shall remain available for expenditure for the
41 5 purposes designated in section 7J.2, Code 2007, until the
41 6 close of the succeeding fiscal year. At the close of the
41 7 succeeding fiscal year, such moneys that remain unencumbered
41 8 or unobligated shall revert to the general fund of the state.

41 9 Sec. 63. EFFECTIVE DATE. The section of this division of
41 10 this Act addressing sections 7J.2 and 8.33 and the charter
41 11 agency grant fund, being deemed of immediate importance, takes
41 12 effect upon enactment.

41 13 Sec. 64. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. The
41 14 section of this division of this Act relating to the
41 15 computation of net income for individual income tax purposes
41 16 of a member of the national guard who served on full-time
41 17 military duty as a mobilization augments in a rear detachment
41 18 support assignment for a national guard unit deployed pursuant
41 19 to orders related to Operation Iraqi Freedom, being deemed of
41 20 immediate importance, takes effect upon enactment, and applies
41 21 retroactively to January 1, 2004, for tax years beginning on
41 22 or after that date but before January 1, 2007.

41 23 Sec. 65. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. The
41 24 sections of this division of this Act amending section 35A.8,
41 25 being deemed of immediate importance, take effect upon

41 26 enactment and are retroactively applicable to July 1, 2007,
41 27 and are applicable on and after that date.

41 28 DIVISION V

41 29 STATE AID FOR SCHOOLS == ENROLLMENT

41 30 Sec. 66. Section 257.6, subsection 1, paragraph a,
41 31 subparagraph (5), Code Supplement 2007, is amended to read as
41 32 follows:

41 33 (5) Resident pupils receiving competent private
41 34 instruction from a licensed practitioner provided through a
41 35 public school district pursuant to chapter 299A shall be
42 1 counted as ~~six-tenths~~ three-tenths of one pupil. School
42 2 districts shall not spend less than the amount expended for
42 3 the delivery of home school assistance programming during the
42 4 fiscal year beginning July 1, 2007, unless there is a decline
42 5 in enrollment in the program. If a school district offered a
42 6 home school assistance program in the fiscal year beginning
42 7 July 1, 2007, it shall continue to offer a home school
42 8 assistance program in the fiscal year beginning July 1, 2008,
42 9 and subsequent fiscal years.

42 10 Sec. 67. WEIGHTED ENROLLMENT. There is appropriated from
42 11 the general fund of the state to the department of education
42 12 for the fiscal year beginning July 1, 2008, and ending June
42 13 30, 2009, the following amount, or so much thereof as is
42 14 necessary, to be used for the purposes designated:

42 15 For one-time distribution to those school districts
42 16 determined by the department to have expenditures associated
42 17 with providing competent private instruction pursuant to
42 18 chapter 299A in excess of the revenue attributed to the school
42 19 district's weighted enrollment for such instruction in
42 20 accordance with section 257.6, subsection 1, paragraph "a",
42 21 subparagraph (5), as amended by this Act:

42 22 \$ 146,000

42 23 Sec. 68. EFFECTIVE DATE. The section of this division of
42 24 this Act amending section 257.6, being deemed of immediate
42 25 importance, takes effect upon enactment.

42 26 DIVISION VI

42 27 CAMPAIGN FINANCE

42 28 Sec. 69. Section 53.10, unnumbered paragraph 3, Code
42 29 Supplement 2007, is amended to read as follows:
42 30 During the hours when absentee ballots are available in the
42 31 office of the commissioner, ~~the posting of political signs is~~
42 32 ~~prohibited within three hundred feet of the absentee voting~~
42 33 ~~site. No electioneering shall not be allowed within the sight~~
42 34 ~~or hearing of voters at the absentee voting site.~~

42 35 Sec. 70. Section 53.11, subsection 4, Code Supplement
43 1 2007, is amended to read as follows:

43 2 4. During the hours when absentee ballots are available at
43 3 a satellite absentee voting station, ~~the posting of political~~
43 4 ~~signs is prohibited within three hundred feet of the satellite~~
43 5 ~~absentee voting station. Electioneering~~ electioneering shall
43 6 not be allowed within the sight or hearing of voters at the
43 7 satellite absentee voting station.

43 8 Sec. 71. Section 68A.404, subsection 1, Code 2007, is
43 9 amended to read as follows:

43 10 1. As used in this section, "independent expenditure"
43 11 means one or more expenditures in excess of ~~seven hundred~~
43 12 ~~fifty one hundred~~ dollars in the aggregate for a communication
43 13 that expressly advocates the nomination, election, or defeat
43 14 of a clearly identified candidate or the passage or defeat of
43 15 a ballot issue that is made without the prior approval or
43 16 coordination with a candidate, candidate's committee, or a
43 17 ballot issue committee.

43 18 Sec. 72. Section 68A.404, subsection 3, paragraph a, Code
43 19 2007, is amended to read as follows:

43 20 a. An independent expenditure statement shall be filed
43 21 within forty-eight hours of the making of an independent
43 22 expenditure in excess of ~~seven hundred fifty one hundred~~
43 23 dollars in the aggregate.

43 24 Sec. 73. Section 68A.406, Code Supplement 2007, is amended
43 25 to read as follows:

43 26 68A.406 CAMPAIGN SIGNS == YARD SIGNS.

43 27 1. Campaign signs may be placed with the permission of the
43 28 property owner or lessee on any of the following:

43 29 a. Residential property.

43 30 b. Agricultural land owned by individuals or by a family
43 31 farm operation as defined in section 9H.1, subsections 8, 9,
43 32 and 10.

43 33 c. Property leased for residential purposes including, but
43 34 not limited to, apartments, condominiums, college housing
43 35 facilities, and houses if placed only on leased property space
44 1 that is actually occupied.

44 2 d. Vacant lots owned by a ~~private individual person who is~~
44 3 ~~not a prohibited contributor under section 68A.503.~~

44 4 e. Property owned by an organization that is not a
44 5 prohibited contributor under section 68A.503.

44 6 f. Property leased by a candidate, committee, or an
44 7 organization established to advocate the nomination, election,
44 8 or defeat of a candidate or the passage or defeat of a ballot
44 9 issue that has not yet registered pursuant to section 68A.201,
44 10 when the property is used as campaign headquarters or a
44 11 campaign office and the placement of the sign is limited to
44 12 the space that is actually leased.

44 13 2. a. Campaign signs shall not be placed on any of the
44 14 following:

44 15 ~~a-~~ (1) Any property owned by the state or the governing
44 16 body of a county, city, or other political subdivision of the
44 17 state, including all property considered the public
44 18 right-of-way. Upon a determination by the board that a sign
44 19 has been improperly placed, the sign shall be removed by
44 20 highway authorities as provided in section 318.5, or by county
44 21 or city law enforcement authorities in a manner consistent
44 22 with section 318.5.

44 23 ~~b-~~ (2) Property owned, leased, or occupied by a
44 24 prohibited contributor under section 68A.503 unless the sign
44 25 advocates the passage or defeat of a ballot issue or is
44 26 exempted under subsection 1.

44 27 ~~c-~~ (3) On any property without the permission of the
44 28 property owner or lessee.

44 29 ~~d-~~ (4) On election day either on the premises of any
44 30 polling place or within three hundred feet of any outside door
44 31 of any building affording access to any room where the polls
44 32 are held, or of any outside door of any building affording
44 33 access to any hallway, corridor, stairway, or other means of
44 34 reaching the room where the polls are held.

44 35 ~~e-~~ (5) ~~Within~~ On the premises of or within three hundred
45 1 feet of any outside door of any building affording access to
45 2 an absentee voting site during the hours when absentee ballots
45 3 are available in the office of the county commissioner of
45 4 elections as provided in section 53.10.

45 5 ~~f-~~ (6) ~~Within~~ On the premises of or within three hundred
45 6 feet of any outside door of any building affording access to a
45 7 satellite absentee voting station during the hours when
45 8 absentee ballots are available at the satellite absentee
45 9 voting station as provided in section 53.11.

45 10 ~~b.~~ Paragraphs "d", "e", and "f" Paragraph "a",
45 11 subparagraphs (4), (5), and (6) shall not apply to the posting
45 12 of signs on private property not a polling place, except that
45 13 the placement of a sign on a motor vehicle, trailer, or
45 14 semitrailer, or any attachment to a motor vehicle, trailer, or
45 15 semitrailer parked on public property within three hundred
45 16 feet of any outside door of any building affording access to
45 17 any room serving as a polling place, which sign is more than
45 18 ninety square inches in size, is prohibited.

45 19 3. Campaign signs with dimensions of thirty-two square
45 20 feet or less are exempt from the attribution statement
45 21 requirement in section 68A.405. Campaign signs in excess of
45 22 thirty-two square feet, or signs that are affixed to buildings
45 23 or vehicles regardless of size except for bumper stickers, are
45 24 required to include the attribution statement required by
45 25 section 68A.405. The placement or erection of campaign signs
45 26 shall be exempt from the requirements of chapter 480 relating
45 27 to underground facilities information.

DIVISION VII

CORRECTIVE PROVISIONS

45 29 Sec. 74. Section 15.104, subsection 9, paragraph a, if
45 30 enacted by 2008 Iowa Acts, House File 2450, section 6, is
45 31 amended to read as follows:

45 32 a. FINANCIAL ASSISTANCE PROGRAMS. Data on all assistance
45 33 provided to business finance projects under the community
45 34 economic betterment program established in section 15.317,
45 35 eligible businesses under the high quality job creation
46 1 program described in section 15.326, and eligible facilities
46 2 under the value-added agricultural products and processes
46 3 financial assistance program established in section 15E.111.

46 4 Sec. 75. Section 20.9, subsection 1, paragraph n, if
46 5 enacted by 2008 Iowa Acts, House File 2645, is amended to read
46 6 as follows:

46 7 n. Evaluation procedures, including the frequency of
46 8 evaluations, the method of evaluation, evaluation forms and
46 9 other evaluation instruments, evaluation criteria, the
46 10 purposes for and use of evaluations, and remedial and employee
46 11 ~~performances~~ performance improvement plans and procedures.
46 12

46 13 Sec. 76. Section 87.4, unnumbered paragraph 2, Code 2007,
46 14 as amended by 2008 Iowa Acts, Senate File 2337, section 1, if
46 15 enacted, is amended to read as follows:

46 16 A self-insurance association formed under this section and
46 17 an association comprised of cities or counties, or both, or
46 18 the association of ~~county~~ Iowa fairs or a fair as defined in
46 19 section 174.1, or community colleges as defined in section
46 20 260C.2 or school corporations, or both, or other political
46 21 subdivisions, which have entered into an agreement under
46 22 chapter 28E for the purpose of establishing a self-insured
46 23 program for the payment of workers' compensation benefits are
46 24 exempt from taxation under section 432.1.

46 25 Sec. 77. Section 87.4, unnumbered paragraph 4, Code 2007,
46 26 as amended by 2008 Iowa Acts, Senate File 2337, section 1, if
46 27 enacted, is amended to read as follows:

46 28 A self-insured program for the payment of workers'
46 29 compensation benefits established by an association comprised
46 30 of cities or counties, or both, or the association of ~~county~~
46 31 Iowa fairs or a fair as defined in section 174.1, or community
46 32 colleges, as defined in section 260C.2, or other political
46 33 subdivisions, which have entered into an agreement under
46 34 chapter 28E, is not insurance, and is not subject to
46 35 regulation under chapters 505 through 523C. Membership in
47 1 such an association together with payment of premiums due
47 2 relieves the member from obtaining insurance as required in
47 3 section 87.1. Such an association is not required to submit
47 4 its plan or program to the commissioner of insurance for
47 5 review and approval prior to its implementation and is not
47 6 subject to rules or rates adopted by the commissioner relating
47 7 to workers' compensation group self-insurance programs. Such
47 8 a program is deemed to be in compliance with this chapter.

47 9 Sec. 78. Section 144C.3, subsection 4, as enacted by 2008
47 10 Iowa Acts, Senate File 473, section 8, is amended to read as
47 11 follows:

47 12 4. A funeral director, an attorney, or any agent, owner,
47 13 or employee of a funeral establishment, cremation
47 14 establishment, cemetery, elder group home, assisted living
47 15 program facility, adult day services program, or licensed
47 16 hospice program, or attorney, or any agent, owner, or employee
47 17 of such an entity, shall not serve as a designee unless
47 18 related to the declarant within the third degree of
47 19 consanguinity.

47 20 Sec. 79. Section 261.7, subsections 2 and 3, if enacted by
47 21 2008 Iowa Acts, House File 2197, section 1, are amended to
47 22 read as follows:

47 23 2. The general assembly recommends that every public and
47 24 private institution ~~for of~~ higher education in this state,
47 25 including those institutions referenced in chapters 260C and
47 26 262 and section 261.9, post the list of required and suggested
47 27 textbooks for all courses and the corresponding international
47 28 standard book numbers for such textbooks at least fourteen
47 29 days before the start of each semester or term, to the extent
47 30 possible, at the locations where textbooks are sold on campus
47 31 and on the web site for the respective institution ~~for of~~
47 32 higher education.

47 33 3. The college student aid commission is directed to
47 34 convey the legislative intent and recommendation contained in
47 35 this section to every institution ~~for of~~ higher education in
48 1 the state registered pursuant to chapter 261B at least once a
48 2 year.

48 3 Sec. 80. Section 279.15A, subsection 2, if enacted by 2008
48 4 Iowa Acts, House File 2645, is amended to read as follows:

48 5 2. If the teacher requests a private meeting, the board
48 6 shall, within five days of the receipt of the request, deliver
48 7 to the teacher, in writing, notice of declination to meet with
48 8 the teacher, or notice of a time and place for the meeting
48 9 with the board which meeting shall be exempt from the
48 10 requirements of chapter 21. If the board declines to meet
48 11 with the teacher, the parties shall immediately proceed under
48 12 section 279.16. The private meeting, if agreed to by the
48 13 board, shall be held no later than fifteen days from receipt
48 14 of the request for the private meeting. At the meeting, the
48 15 superintendent shall have the opportunity to discuss with the
48 16 board the reasons for the issuance of the notice. The
48 17 teacher, or the teacher's representative, shall be given an
48 18 opportunity to respond. At the conclusion of the meeting, the
48 19 board of directors and the teacher may enter into a mutually
48 20 agreeable resolution to the recommendation of termination. If
48 21 no resolution is reached by the parties, the board shall
48 22 immediately meet in open session, and, by majority roll call
48 23 vote, either reject or support the superintendent's

48 24 recommendation. If the recommendation is rejected, the
48 25 teacher's continuing contract shall remain in force and
48 26 effect. If the recommendation is supported, the parties shall
48 27 immediately proceed under section 279.16.

48 28 Sec. 81. Section 321.23, subsection 3, Code 2007, as
48 29 amended by 2008 Iowa Acts, Senate File 2420, section 53, is
48 30 amended to read as follows:

48 31 3. In the event an applicant for registration of a foreign
48 32 vehicle for which a certificate of title has been issued is
48 33 able to furnish evidence of being the registered owner of the
48 34 vehicle to the county treasurer of the owner's residence,
48 35 although unable to surrender such certificate of title, the
49 1 county treasurer may issue a registration receipt and plates
49 2 upon receipt of the required annual registration fee and the
49 3 fee for new registration ~~fee~~ but shall not issue a certificate
49 4 of title thereto. Upon surrender of the certificate of title
49 5 from the foreign state, the county treasurer shall issue a
49 6 certificate of title to the owner, or person entitled thereto,
49 7 of such vehicle as provided in this chapter. The owner of a
49 8 vehicle registered under this subsection shall not be required
49 9 to obtain a certificate of title in this state and may
49 10 transfer ownership of the vehicle to a motor vehicle dealer
49 11 licensed under chapter 322 if, at the time of the transfer,
49 12 the certificate of title is held by a secured party and the
49 13 dealer has forwarded to the secured party the sum necessary to
49 14 discharge the security interest pursuant to section 321.48,
49 15 subsection 1.

49 16 Sec. 82. Section 321.105A, subsection 2, paragraph c,
49 17 subparagraph (27), as enacted by 2008 Iowa Acts, Senate File
49 18 2420, section 40, is amended to read as follows:

49 19 (27) A vehicle repossessed by a financial institution or
49 20 an individual by means of a foreclosure affidavit pursuant to
49 21 the uniform commercial code, chapter 554, provided there is a
49 22 valid lien on the vehicle and the foreclosure affidavit is
49 23 used for the sole purpose of retaining possession of the
49 24 vehicle until a new buyer is found. However, if the financial
49 25 institution or individual uses the foreclosure affidavit to
49 26 take title to the vehicle and register the vehicle, the fee
49 27 for new registration ~~fee~~ shall be due based on the outstanding
49 28 loan amount on the vehicle.

49 29 Sec. 83. Section 508E.8, subsection 1, paragraphs i and k,
49 30 if enacted by 2008 Iowa Acts, Senate File 2392, section 8, are
49 31 amended to read as follows:

49 32 i. Disclosure to a viator shall include distribution of a
49 33 brochure describing the process of viatical settlements. The
49 34 national association of insurance commissioners form for the
49 35 brochure shall be used unless another form is developed ~~or~~ and
50 1 approved by the commissioner.

50 2 k. Following execution of a viatical contract, the insured
50 3 may be contacted for the purpose of determining the insured's
50 4 health status and to confirm the insured's residential or
50 5 business street address and telephone number, or as otherwise
50 6 provided in this chapter. This contact shall be limited to
50 7 once every three months if the insured has a life expectancy
50 8 of more than one year, and no more than once per month if the
50 9 insured has a life expectancy of one year or less. All such
50 10 ~~contracts~~ contacts shall be made only by a duly licensed
50 11 viatical settlement provider or by the authorized
50 12 representative of a duly licensed viatical settlement
50 13 provider.

50 14 Sec. 84. Section 633A.2301, Code 2007, as amended by 2008
50 15 Iowa Acts, Senate File 2350, section 21, if enacted, is
50 16 amended to read as follows:

50 17 633A.2301 RIGHTS OF BENEFICIARY, CREDITOR, AND ASSIGNEE.
50 18 To the extent a beneficiary's interest is not subject to a
50 19 spendthrift provision, and subject to sections 633A.2305 and
50 20 ~~633.2306~~ 633A.2306, the court may authorize a creditor or
50 21 assignee of the beneficiary to reach the beneficiary's
50 22 interest by levy, attachment, or execution of present or
50 23 future distributions to or for the benefit of the beneficiary
50 24 or other means.

50 25 Sec. 85. Section 670.7, subsection 4, if enacted by 2008
50 26 Iowa Acts, Senate File 2337, section 3, is amended to read as
50 27 follows:

50 28 4. The association of ~~county Iowa~~ county Iowa fairs or a fair as
50 29 defined in section 174.1, ~~or a fair~~, shall be deemed to be a
50 30 municipality as defined in this chapter only for the purpose
50 31 of joining a local government risk pool as provided in this
50 32 section.

50 33 Sec. 86. Section 714E.2, subsection 2, if enacted by 2008
50 34 Iowa Acts, House File 2653, section 2, is amended to read as

50 35 follows:

51 1 2. The following notice, printed in at least fourteen
51 2 point boldface type and completed with the name of the
51 3 foreclosure consultant, must be printed immediately above the
51 4 notice of cancellation statement required pursuant to section
51 5 714E.3:

51 6 NOTICE REQUIRED BY IOWA LAW

51 7 (name) or anyone working for
51 8 ~~him or her~~ (name) CANNOT:

51 9 (1) Take any money from you or ask you for money until
51 10 (name) has completely finished
51 11 doing everything ~~he or she~~ (name) said
51 12 ~~he or she~~ (name) would do; and

51 13 (2) Ask you to sign or have you sign any lien, mortgage,
51 14 or real estate contract.

51 15 Sec. 87. 2008 Iowa Acts, House File 2103, section 1, is
51 16 amended by striking the section and inserting in lieu thereof
51 17 the following:

51 18 SECTION 1. Section 261.1, subsections 3 and 4, Code 2007,
51 19 are amended to read as follows:

51 20 3. ~~a. A member~~ Two members of the senate, one to be
51 21 appointed by the president of the senate, ~~after consultation~~
51 22 ~~with the majority leader~~ and one to be appointed by the
51 23 minority leader of the senate, to serve as ~~an ex officio~~
51 24 ~~nonvoting member for a term of four years beginning on July 1~~
51 25 ~~of the year of appointment members.~~

51 26 4. ~~b. A member~~ Two members of the house of
51 27 representatives, one to be appointed by the speaker of the
51 28 house ~~of representatives~~ and one to be appointed by the
51 29 ~~minority leader of the house of representatives,~~ to serve as
51 30 ~~an ex officio~~ nonvoting member for a term of four years
51 31 ~~beginning on July 1 of the year of appointment members.~~

51 32 c. The members of the senate and house of representatives
51 33 shall serve at the pleasure of the appointing legislator for a
51 34 term beginning upon the convening of the general assembly and
51 35 expiring upon the convening of the following general assembly,
52 1 or when the appointee's successor is appointed, whichever
52 2 occurs later.

52 3 Sec. 88. 2008 Iowa Acts, House File 2555, section 18, is
52 4 amended by striking the section and inserting in lieu thereof
52 5 the following:

52 6 SEC. 18. NEW SECTION. 508E.20 PUBLIC RECORDS.

52 7 All information filed with the commissioner pursuant to the
52 8 requirements of this chapter and its implementing rules shall
52 9 constitute a public record that is open for public inspection
52 10 except as otherwise provided in this chapter.

52 11 Sec. 89. 2008 Iowa Acts, House File 2651, section 40, if
52 12 enacted, is amended to read as follows:

52 13 SEC. 40. EFFECTIVE DATE DATES.

52 14 1. The sections of this Act amending sections 321E.8,
52 15 321E.9, 321E.14, and 322.7A, the section enacting section
52 16 321E.9B, and the section repealing 2007 Iowa Acts, chapter
52 17 167, being deemed of immediate importance, take effect upon
52 18 enactment.

52 19 2. The section of this Act amending section 321.115,
52 20 subsection 1, as enacted in 2007 Iowa Acts, chapter 143,
52 21 section 12, takes effect January 1, 2009.

52 22 Sec. 90. 2008 Iowa Acts, Senate File 2316, section 10, is
52 23 amended to read as follows:

52 24 SEC. 10. Sections 540A.1, 540A.2, 540A.3, 540A.4, 540A.5,
52 25 540A.6, 540A.7, 540A.8, and 540A.9, Code 2007, are repealed.

52 26 Sec. 91. 2008 Iowa Acts, Senate File 2347, section 9, is
52 27 amended to read as follows:

52 28 SEC. 9. EMERGENCY RULES. The secretary of state may adopt
52 29 emergency rules under section ~~17A.1~~ 17A.4, subsection 2, and
52 30 section 17A.5, subsection 2, paragraph "b", to implement the
52 31 provisions of this Act relating to optical scan voting
52 32 systems, and the Rules shall be effective immediately upon
52 33 filing unless a later date is specified in the rules. Any
52 34 rules adopted in accordance with this section shall also be
52 35 published as a notice of intended action as provided in
53 1 section 17A.4.

53 2 Sec. 92. 2008 Iowa Acts, Senate File 2349, section 8, is
53 3 amended by striking the section and inserting in lieu thereof
53 4 the following:

53 5 SEC. 8. Section 523A.601, subsection 6, paragraph a, Code
53 6 Supplement 2007, is amended to read as follows:

53 7 a. A purchase agreement that is funded by a trust shall
53 8 include a conspicuous statement in language substantially
53 9 similar to the following language:

53 10 "For your prearranged funeral agreement, we will deposit

53 11 not less than eighty percent of your payments in trust at
53 12 (name of financial institution), (street address), (city),
53 13 (state) (zip code) within fifteen days following receipt of
53 14 the funds. For your protection, you ~~have the right to contact~~
53 15 will be notified within sixty days from the date of deposit
53 16 from the financial institution directly, if acting as a
53 17 trustee of trust funds under this chapter, to confirm that the
53 18 deposit of these funds occurred has been made establishing a
53 19 trust fund as required by law. If you are unable to confirm
53 20 the deposit of these funds in trust do not receive this
53 21 notification, you may contact the Iowa insurance division for
53 22 assistance by calling the insurance division at (telephone
53 23 number) or by mail at (street address), (city), Iowa (zip
53 24 code), or you may contact the financial institution by calling
53 25 the financial institution at (telephone number) or by mail at
53 26 the address indicated above."

53 27 EXPLANATION

53 28 This bill makes, reduces, and transfers appropriations,
53 29 provides for salaries and compensation of state employees, and
53 30 covers other properly related matters. The bill is organized
53 31 into divisions.

53 32 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING == FY 2009=2010.

53 33 This division appropriates funding for the FY 2009=2010

53 34 MH/MR/DD services allowed growth funding payments to counties.

53 35 STANDING APPROPRIATIONS AND RELATED MATTERS. This division

54 1 limits the standing unlimited appropriations for FY 2008=2009

54 2 made for the following purposes: instructional support state

54 3 aid, payment of nonpublic school transportation, the

54 4 educational excellence program to improve teacher salaries,

54 5 and state share of peace officers' retirement benefits.

54 6 The appropriations made for expenses of the general

54 7 assembly under Code section 2.12 are to be reduced by

54 8 \$1,439,884.

54 9 For the budget process applicable to FY 2009=2010, state

54 10 agencies are required to submit estimates and other

54 11 expenditure information as called for by the director of the

54 12 department of management after consultation with the director

54 13 of management instead of the information required under Code

54 14 section 8.23.

54 15 In addition, for FY 2008=2009, the following property tax

54 16 credits are funded from the property tax credit fund created

54 17 in the division instead of entirely funded from the general

54 18 fund of the state: homestead, agricultural land and family

54 19 farm, military service, and elderly and disabled tax credit

54 20 and reimbursement. The provision provides that such

54 21 appropriations are also limited to the same amounts for FY

54 22 2009=2010. This provision takes effect upon enactment.

54 23 The contingent appropriation under Code section 8.57,

54 24 subsection 1, of up to 1 percent of the adjusted revenue

54 25 estimate for FY 2008=2009 from the state general fund to the

54 26 cash reserve fund in the event the FY 2007=2008 ending balance

54 27 distribution was insufficient to bring the fund to the

54 28 designated level shall not be made for FY 2008=2009.

54 29 For purposes of the budget process and calculation of the

54 30 state general fund expenditure limitation under Code section

54 31 8.54 for FY 2008=2009, the April 4, 2008, revenue estimating

54 32 conference's revenue estimate shall be used. This section

54 33 takes effect upon enactment and applies retroactively to

54 34 January 14, 2008.

54 35 Code section 257.35, relating to state aid to schools

55 1 provided for area education agencies, is amended to continue a

55 2 reduction in that funding for FY 2008=2009. The amount of the

55 3 reduction is limited to \$2.5 million in place of the \$5.25

55 4 million reduction applied for the previous fiscal year and the

55 5 reduction for each area education agency will be prorated

55 6 based upon the reduction in the state aid that the agency

55 7 received in FY 2003=2004. Intent language is included that

55 8 would eliminate this additional reduction effective with FY

55 9 2009=2010.

55 10 SALARIES, COMPENSATION, AND RELATED MATTERS. This division

55 11 relates to the funding for the fiscal year beginning July 1,

55 12 2008, of salary increases for state appointed nonelected

55 13 officers, justices, judges, magistrates, employees subject to

55 14 collective bargaining agreements, certain noncontract

55 15 employees, board of regents employees, and elected executive

55 16 branch officials.

55 17 The annual salaries of the justices, judges, and judicial

55 18 magistrates are increased approximately 6.9 percent to 12.7

55 19 percent.

55 20 The division increases the maximum and minimum salary

55 21 levels of all pay plans of noncontract state employees by 3

55 22 percent and authorizes a step increase or the equivalent of a
55 23 step increase. The pay levels of noncontract judicial branch
55 24 employees are required to be similar to the employees covered
55 25 by collective bargaining agreements negotiated by the judicial
55 26 branch.

55 27 The annual salaries of the state elected officials are to
55 28 be a percentage of the maximum amount in range 7 of the salary
55 29 ranges for appointed state officers. Of that maximum amount,
55 30 the salaries of the secretary of agriculture, auditor of
55 31 state, state treasurer, and lieutenant governor are 82.65
55 32 percent, the attorney general is 89.0 percent, and the
55 33 governor is 92.4 percent.

55 34 The division provides supplemental authorization to fund
55 35 salaries from trust, revolving, and special funds for which
56 1 the general assembly has established a budget.

56 2 The division provides for the salary model administrator to
56 3 work in conjunction with the department of management and the
56 4 legislative services agency to analyze, compare, and project
56 5 state salary and benefit information.

56 6 MISCELLANEOUS STATUTORY CHANGES == APPROPRIATIONS. New
56 7 Code section 15.368 provides a standing \$1 million
56 8 appropriation beginning with FY 2009=2010 for the support of
56 9 the world food prize award.

56 10 Code section 16.92 is amended to modify the standard for
56 11 imposing liability on the title guaranty division of the Iowa
56 12 finance authority. Liability will be imposed if the division
56 13 through an act of negligence wrongfully or erroneously records
56 14 a certificate of release.

56 15 Code sections 21.5 and 22.7 are amended to provide a new
56 16 exemption from the open meetings law relating to meetings of
56 17 public hospitals, as defined in Code section 249J.3. The
56 18 amendments provide that a meeting of such a public hospital
56 19 may be closed to discuss patient care quality and process
56 20 improvement initiatives or to discuss marketing and pricing
56 21 strategies or similar proprietary information where public
56 22 disclosure of such information would harm such a hospital's
56 23 competitive position. The minutes and the audio recording of
56 24 such a closed session shall be available for public inspection
56 25 when the public disclosure would no longer harm the hospital's
56 26 competitive position. This provision does not apply to
56 27 expenditures and terms or conditions of employment. Records
56 28 of these closed sessions are to be made available after final
56 29 action is taken on the subject matter.

56 30 Code section 35A.8 is amended to provide that the
56 31 department of veterans affairs, not the commission of veterans
56 32 affairs, establish rules concerning the Vietnam veterans bonus
56 33 and also provides that the bonus is available to a person who
56 34 served on active duty for no less than 120 days and who
56 35 served, for any length of time, between July 1, 1973, and May
57 1 31, 1975. The amendments to Code section 35A.8 take effect
57 2 upon enactment and are retroactively applicable to July 1,
57 3 2007.

57 4 New Code section 68A.401A requires a political organization
57 5 that is required to file reports with the internal revenue
57 6 service to file a report with the Iowa ethics and campaign
57 7 disclosure board if it creates or disseminates a communication
57 8 of issue advocacy in the state and receives or expects to
57 9 receive \$25,000 or more in gross receipts during the tax year.

57 10 Code section 135B.5 is amended to increase the annual
57 11 hospital license fee from \$10 to \$1,000.

57 12 Code section 135B.7 is amended to strike the reference to
57 13 the hospital licensing board and Code sections 135B.10 and
57 14 135B.11 are repealed as they relate to the establishment and
57 15 compensation of the hospital licensing board.

57 16 Code sections 136.1 and 136.2 are amended to increase the
57 17 state board of health membership by two members who possess
57 18 recognized abilities in hospital administration.

57 19 Code section 175.2 is amended to provide that the term "low
57 20 or moderate net worth" as it applies to beginning farmers for
57 21 purposes of financial assistance under the Iowa agricultural
57 22 development Act is changed from a specific dollar amount to a
57 23 designated amount that is indexed on a calendar year basis
57 24 beginning January 1, 2009. The designated amount for July 1,
57 25 2008, through December 31, 2008, is set at \$500,000.

57 26 New Code section 279.67 provides that it is the goal of the
57 27 state that every employee of a public school corporation
57 28 receive a competitive living wage.

57 29 Code section 321J.13 is amended to permit a person who
57 30 holds a commercial driver's license and has been disqualified
57 31 from operating a commercial motor vehicle to seek a hearing to
57 32 rescind such disqualification in the same manner and under the

57 33 same circumstances as holders of regular driver's licenses who
57 34 have had their licenses revoked.

57 35 Code sections 331.304 and 364.3 are amended to provide that
58 1 a city or county shall not adopt or enforce any ordinance
58 2 imposing a registration or licensing system or fees relating
58 3 to owner-occupied manufactured or mobile homes including those
58 4 located in a manufactured home community or mobile home park.

58 5 Code section 423.6, subsection 14, is amended to provide
58 6 that the portion of the purchase price of a mobile home or of
58 7 the installed purchase price of a manufactured home which is
58 8 not attributable to the cost of the tangible personal property
58 9 used in the processing of such home is increased from 40
58 10 percent to 80 percent. This amendment results in the increase
58 11 in the exemption from the use tax of the purchase price or
58 12 installed purchase price from 40 percent to 80 percent.

58 13 New Code section 423F.2, subsection 1, as enacted by 2008
58 14 Iowa Acts, House File 2663, is amended to provide that if
58 15 certain counties have a percentage increase in sales and use
58 16 tax revenues collected by the state which is greater than the
58 17 statewide percentage increase used by the other counties for
58 18 determining distribution of moneys to the school districts for
58 19 infrastructure purposes, then the school districts located in
58 20 those certain counties will receive distributions based on
58 21 their greater percentage increase.

58 22 Code section 441.37A, subsection 1, is amended to provide
58 23 that an appeal from the local board of review to the property
58 24 assessment appeal board is a contested case under the Iowa
58 25 administrative procedure Act.

58 26 Code section 441.37A, subsection 2, is amended to provide
58 27 that meetings of the property assessment appeal board to rule
58 28 on procedural motions or to deliberate on a decision are
58 29 exempt from the open meetings law.

58 30 Code section 441.38 is amended to provide that appeals from
58 31 the property assessment appeal board may be made in the
58 32 district court in Polk county. In addition, the Code section
58 33 is amended to provide that additional evidence to sustain an
58 34 appeal may be introduced when appealing a decision of the
58 35 local board of review. However, no additional evidence is
59 1 permitted if the appeal is of a decision of the property
59 2 assessment appeal board.

59 3 New Code section 441.38B provides that a person or party
59 4 that is aggrieved by a decision of the property assessment
59 5 appeal board may seek judicial review as provided in the Iowa
59 6 administrative procedure Act and Code section 441.38.

59 7 Code section 441.43 is amended to eliminate the power of a
59 8 court that hears the appeal from the property assessment
59 9 appeal board to increase, decrease, or affirm the amount of
59 10 the assessment appealed from.

59 11 New Code section 455C.17 provides for the department of
59 12 natural resources to establish an independent redemption
59 13 center grant program to provide grants of up to \$15,000 to
59 14 redemption centers where consumers may return empty beverage
59 15 containers which centers are not affiliated with or are not a
59 16 subsidiary of a dealer, distributor, or manufacturer. The new
59 17 Code section establishes a grant fund from which grants are to
59 18 be made to these independent redemption centers for purpose of
59 19 making improvements to the facilities at the centers.

59 20 Code section 535.8 is amended to make specified changes
59 21 relating to permissible fees and charges which may be incurred
59 22 by a borrower in connection with designated real estate loans.
59 23 A definition of "lender" is added, terminology in Code section
59 24 535.8 is modified to reflect loan transactions between a
59 25 lender and a borrower, and origination and broker fees are
59 26 added to loan charges which may be imposed, subject to
59 27 existing limitations regarding the amount of the charge. The
59 28 amendment also adds a bona fide and reasonable settlement or
59 29 closing fee incurred by a lender and paid to a third party to
59 30 settle or close a loan as an authorized charge to a borrower.

59 31 The division enacts new Code section 537.3312, under the
59 32 consumer credit code, that provides that a seller or issuer of
59 33 a gift certificate shall redeem the gift certificate at full
59 34 value and shall not assess a fee with respect to the gift
59 35 certificate, include an expiration date, or impose any
60 1 condition on the ability of the owner to redeem the gift
60 2 certificate. A violation of this new section is an unfair
60 3 practice for purposes of consumer frauds and also subjects the
60 4 violator to the penalty provision of Code section 537.5201
60 5 under the consumer credit code.

60 6 Code section 556.9, subsection 2, concerning gift
60 7 certificates, is amended to eliminate the ability of an issuer
60 8 to deduct any charge from the value of the gift certificate

60 9 under a written contract.

60 10 Code section 622.10 is amended as it relates to
60 11 communications made in professional confidence concerning
60 12 health care and health care records including patient access
60 13 to the patient's medical records, provisions relating to
60 14 procedures for fees charged by certain medical providers for
60 15 the production of certain health care records and consulting
60 16 costs, and also to provisions relating to communications
60 17 between certain medical providers and attorneys in a civil
60 18 action in which the condition of the plaintiff is at issue.

60 19 New Code section 692A.3B provides that a registered sex
60 20 offender who has been convicted of a criminal offense against
60 21 a minor, or an offense involving a minor that is an aggravated
60 22 offense, sexually violent offense, or other relevant offense,
60 23 shall not be present on the real property comprising a child
60 24 care provider. However, the following exceptions are
60 25 provided: a sex offender may be present on child care
60 26 provider property if the sex offender is transporting the
60 27 offender's child to or from the child care provider, the
60 28 offender is responding to a health or behavioral emergency
60 29 regarding the offender's child, the sex offender is summoned
60 30 to discuss the developmental activity or social progress of
60 31 the offender's child, or the sex offender is voting in an
60 32 election during the designated hours to vote.

60 33 The child care provider owner or administrator subject to
60 34 new Code section 692A.3B is required to provide notice to the
60 35 parents, guardians, or custodians of the children receiving
61 1 child care about the presence of a sex offender on the child
61 2 care provider's premises.

61 3 A sex offender who violates new Code section 692A.3B
61 4 commits an aggravated misdemeanor. An aggravated misdemeanor
61 5 is punishable by confinement for no more than two years and a
61 6 fine of at least \$625 but not more than \$6,250.

61 7 An appropriation of \$160,000 from the state general fund
61 8 for FY 2008=2009 is made to the state board of regents for the
61 9 real estate education program at the university of northern
61 10 Iowa.

61 11 The division provides that a member of the national guard
61 12 that served on active duty in a rear detachment support
61 13 assignment for a national guard unit deployed in Iraq may
61 14 exclude the amount of full-time national guard duty pay for
61 15 purposes of the individual income tax. This provision takes
61 16 effect upon enactment and applies retroactively to January 1,
61 17 2004, for tax years beginning on or after that date but before
61 18 January 1, 2007.

61 19 The division provides that the moneys from the
61 20 appropriation made from the charter agency grant fund to the
61 21 department of management that remain unencumbered or
61 22 unobligated at the close of FY 2007=2008 remain available to
61 23 be used for the purposes designated in the succeeding fiscal
61 24 year. These purposes include training, development of outcome
61 25 measurement systems, management system modifications, and
61 26 other modifications associated with transition of operations
61 27 to charter agency status. Under Code section 7J.3, the
61 28 charter agency chapter is repealed effective June 30, 2008.
61 29 The division provides that at the close of FY 2008=2009, any
61 30 remaining moneys revert to the general fund.

61 31 STATE AID FOR SCHOOLS == ENROLLMENT. Code section 257.6 is
61 32 amended to reduce the weighting for pupils receiving competent
61 33 private instruction from a licensed practitioner provided
61 34 through a school district from the current six-tenths of one
61 35 pupil to three-tenths of one pupil, to provide that a school
62 1 district shall not expend less than the amount expending
62 2 during FY 2007=2008 unless there is a decline in enrollment,
62 3 and to provide that a school district shall continue to offer
62 4 home schooling assistance in subsequent years if it offered
62 5 the program in FY 2007=2008. These provisions take effect
62 6 upon enactment. The division also appropriates \$146,000 for
62 7 one-time distribution to school districts having expenditures
62 8 associated with competent private instruction that are in
62 9 excess of revenue attributed to the district's weighted
62 10 enrollment because of the reduction in the weighted enrollment
62 11 provided in this division.

62 12 CAMPAIGN FINANCE. This division moves current restrictions
62 13 concerning campaign signs near absentee voting sites and
62 14 satellite absentee voting stations from Code chapter 53 to
62 15 Code chapter 68A, and specifies that the 300-foot restriction
62 16 is measured from the outside door of the voting premises.
62 17 Code chapter 53 provisions continue to prohibit electioneering
62 18 within the sight or hearing of voters.

62 19 The division lowers the reporting threshold for independent

62 20 expenditures from \$750 to \$100.
62 21 The division specifies restrictions on yard signs,
62 22 providing that signs may be placed on property leased for
62 23 college housing facilities on leased property space that is
62 24 actually occupied, and on vacant lots owned by a person who is
62 25 not a prohibited contributor.
62 26 CORRECTIVE PROVISIONS. Code section 15.104, as amended by
62 27 2008 Iowa Acts, House File 2450, relating to reports by the
62 28 economic development board to the general assembly and
62 29 governor, is amended to refer to eligible facilities under the
62 30 value-added agricultural products and processes financial
62 31 assistance program rather than to the program itself.
62 32 Code section 20.9, as amended by 2008 Iowa Acts, House File
62 33 2645, relating to collective bargaining, is amended to use the
62 34 singular form of the word "performances" in the phrase
62 35 "employee performance improvement plans".
63 1 Code sections 87.4 and 670.7, as amended by 2008 Iowa Acts,
63 2 Senate File 2337, relating to the association of Iowa fairs
63 3 and liability insurance, are amended to correct the name of
63 4 the association in those Code sections.
63 5 Code section 144C.3, as enacted by 2008 Iowa Acts, Senate
63 6 File 473, relating to designees authorized to dispose of an
63 7 adult's remains, is amended grammatically to restrict agents,
63 8 owners, and employees of certain funeral and elder care
63 9 businesses from serving as designees, as well as funeral
63 10 directors and attorneys themselves.
63 11 Code section 261.7, as enacted by 2008 Iowa Acts, House
63 12 File 2197, relating to textbook information at the
63 13 postsecondary level, is amended to correct references to
63 14 institutions of higher education.
63 15 Code section 279.15A, as enacted by 2008 Iowa Acts, House
63 16 File 2645, relating to collective bargaining, is amended to
63 17 add the definite article "the" in the phrase "meet with the
63 18 teacher".
63 19 Code sections 321.23 and 321.105A, as amended and enacted
63 20 respectively by 2008 Iowa Acts, Senate File 2420, relating to
63 21 vehicle registration fees, are amended to consistently refer
63 22 to a "fee for new registration" rather than a "new
63 23 registration fee".
63 24 Code section 508E.8, as enacted by 2008 Iowa Acts, Senate
63 25 File 2392, relating to the regulation of viatical settlement
63 26 contracts, is amended to include the conjunctive rather than
63 27 the disjunctive in the phrase "form is developed and approved
63 28 by the commissioner" to conform to two other references in the
63 29 Act with regard to viatical settlement forms prescribed by the
63 30 commissioner of insurance. Code section 508E.8 is also
63 31 amended to correct a reference to health status contacts
63 32 (rather than contracts) made by a viatical settlement
63 33 provider.
63 34 Code section 633A.2301, as amended by 2008 Iowa Acts,
63 35 Senate File 2350, relating to beneficiaries of trusts and
64 1 creditors and assignees of such beneficiaries, is amended to
64 2 correct a reference to Code section 633A.2306 which relates to
64 3 a trustee's payments to beneficiaries.
64 4 Code section 714E.2, as enacted by 2008 Iowa Acts, House
64 5 File 2653, relating to foreclosure services protection, is
64 6 amended to delete usage of male and female pronouns.
64 7 2008 Iowa Acts, House File 2103, section 1, relating to
64 8 membership of the college student aid commission, is amended
64 9 to correctly represent current Code section 261.1(4) in the
64 10 bill by displaying the numeral "4." with strike-throughs.
64 11 2008 Iowa Acts, House File 2555, section 18, relating to
64 12 the public inspection of viatical settlement contract
64 13 information filed with the commissioner of insurance, is
64 14 amended to recognize that Code chapter 508E, as rewritten by
64 15 2008 Iowa Acts, Senate File 2392, contains provisions
64 16 requiring the commissioner of insurance to maintain the
64 17 confidentiality of information such as a viator's personal,
64 18 financial, and medical information or other individual
64 19 identification data, a licensee's financial condition and
64 20 market conduct, and certain investigative or examination
64 21 information.
64 22 The amendment to 2008 Iowa Acts, House File 2651, section
64 23 40, conforms the effective date of the amendment to section
64 24 321.115, subsection 1, in House File 2651 to the effective
64 25 date of January 1, 2009, provided in House File 2651 for the
64 26 2007 enactment of section 321.115.
64 27 2008 Iowa Acts, Senate File 2316, section 10, relating to
64 28 the prudent management of charitable institution funds, is
64 29 amended to repeal one additional Code section of the old Code
64 30 chapter, which is entirely replaced by the Act. The failure

64 31 to repeal that Code section appears to be inadvertent.

64 32 2008 Iowa Acts, Senate File 2347, section 9, relating to

64 33 the authority of the secretary of state to adopt emergency

64 34 rules regarding voting systems, is amended to correct a

64 35 reference to Code section 17A.4 which provides a procedure for

65 1 rules to become effective on an emergency basis without public

65 2 participation.

65 3 2008 Iowa Acts, Senate File 2349, section 8, relating to

65 4 prearranged funeral arrangements, is amended to correctly

65 5 represent current Code section 523A.601(6)(a) in the bill by

65 6 displaying the word "are" with strike-throughs.

65 7 LSB 6618HC 82

65 8 mg/jp/24