

House File 2797 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON APPROPRIATIONS
(SUCCESSOR TO LSB 6681YC)

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, reducing, and transferring appropriations,
4 providing for salaries and compensation of state employees,
5 providing for fees and penalties, providing tax exemptions,
6 and 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 6681HV 81
10 mg/cf/24

PAG LIN

1 1 DIVISION I
1 2 MH/MR/DD ALLOWED GROWTH FUNDING
1 3 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
1 4 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ALLOCATIONS
1 5 == FISCAL YEAR 2007=2008.
1 6 1. There is appropriated from the general fund of the
1 7 state to the department of human services for the fiscal year
1 8 beginning July 1, 2007, and ending June 30, 2008, the
1 9 following amount, or so much thereof as is necessary, to be
1 10 used for the purpose designated:
1 11 For distribution to counties of the county mental health,
1 12 mental retardation, and developmental disabilities allowed
1 13 growth factor adjustment, as provided in this section in lieu
1 14 of the provisions of section 331.438, subsection 2, and
1 15 section 331.439, subsection 3, and chapter 426B:
1 16 \$ 43,287,141
1 17 2. The funding appropriated in this section is the allowed
1 18 growth factor adjustment for fiscal year 2007=2008, and is
1 19 allocated as follows:
1 20 a. For distribution to counties for fiscal year 2007=2008
1 21 in accordance with the formula in section 331.438, subsection
1 22 2, paragraph "b":
1 23 \$ 12,000,000
1 24 b. For deposit in the per capita expenditure target pool
1 25 created in the property tax relief fund and for distribution
1 26 in accordance with section 426B.5, subsection 1:
1 27 \$ 24,360,548
1 28 c. For deposit in the risk pool created in the property
1 29 tax relief fund and for distribution in accordance with
1 30 section 426B.5, subsection 2:
1 31 \$ 2,000,000
1 32 d. For expansion of services to persons with brain injury
1 33 in accordance with the law enacted by the Eighty-first General
1 34 Assembly, 2006 Session, as law providing for such expansion of
1 35 services to commence in the fiscal year beginning July 1,
2 1 2006:
2 2 \$ 4,926,593
2 3 If 2006 Iowa Acts, House File 2772, is enacted by the
2 4 Eighty-first General Assembly, 2006 Session, the allocation
2 5 made in this lettered paragraph shall be transferred to the
2 6 Iowa department of public health to be used for the brain
2 7 injury services program created pursuant to that Act.
2 8 DIVISION II
2 9 STANDING APPROPRIATIONS
2 10 AND REVENUE ESTIMATE
2 11 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2007=2008.
2 12 1. For the budget process applicable to the fiscal year
2 13 beginning July 1, 2007, on or before October 1, 2006, in lieu

2 14 of the information specified in section 8.23, subsection 1,
2 15 unnumbered paragraph 1, and paragraph "a", all departments and
2 16 establishments of the government shall transmit to the
2 17 director of the department of management, on blanks to be
2 18 furnished by the director, estimates of their expenditure
2 19 requirements, including every proposed expenditure, for the
2 20 ensuing fiscal year, together with supporting data and
2 21 explanations as called for by the director of the department
2 22 of management after consultation with the legislative services
2 23 agency.

2 24 2. The estimates of expenditure requirements shall be in a
2 25 form specified by the director of the department of
2 26 management, and the expenditure requirements shall include all
2 27 proposed expenditures and shall be prioritized by program or
2 28 the results to be achieved. The estimates shall be
2 29 accompanied by performance measures for evaluating the
2 30 effectiveness of the programs or results.

2 31 Sec. 3. GENERAL ASSEMBLY. The appropriations made
2 32 pursuant to section 2.12 for the expenses of the general
2 33 assembly and legislative agencies for the fiscal year
2 34 beginning July 1, 2006, and ending June 30, 2007, are reduced
2 35 by the following amount:

3 1 \$ 1,267,106

3 2 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.

3 3 Notwithstanding the standing appropriations in the following
3 4 designated sections for the fiscal year beginning July 1,
3 5 2006, and ending June 30, 2007, the amounts appropriated from
3 6 the general fund of the state pursuant to those sections for
3 7 the following designated purposes shall not exceed the
3 8 following amounts:

3 9 1. For substance abuse treatment and prevention under
3 10 section 123.53, subsection 3:

3 11 \$ 0

3 12 2. For instructional support state aid under section
3 13 257.20:

3 14 \$ 14,428,271

3 15 3. For at-risk children programs under section 279.51,
3 16 subsection 1:

3 17 \$ 11,271,000

3 18 The amount of any reduction in this subsection shall be
3 19 prorated among the programs specified in section 279.51,
3 20 subsection 1, paragraphs "a", "b", and "c".

3 21 4. For payment for nonpublic school transportation under
3 22 section 285.2:

3 23 \$ 8,604,714

3 24 If total approved claims for reimbursement for nonpublic
3 25 school pupil transportation claims exceed the amount
3 26 appropriated in this section, the department of education
3 27 shall prorate the amount of each claim.

3 28 5. For the educational excellence program under section
3 29 294A.25, subsection 1:

3 30 \$ 55,469,053

3 31 6. For the state's share of the cost of the peace
3 32 officers' retirement benefits under section 411.20:

3 33 \$ 2,745,784

3 34 Sec. 5. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF
3 35 GENERAL FUND REIMBURSEMENT.

4 1 1. Notwithstanding section 8.57, prior to the
4 2 appropriation and distribution to the senior living trust fund
4 3 and the cash reserve fund of the surplus existing in the
4 4 general fund of the state at the conclusion of the fiscal year
4 5 beginning July 1, 2005, and ending June 30, 2006, pursuant to
4 6 section 8.57, subsections 1 and 2, of that surplus,
4 7 \$159,868,964 is appropriated to the property tax credit fund
4 8 which shall be created in the office of the treasurer of state
4 9 to be used for the purposes of this 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, 2006, and
4 17 ending June 30, 2007, 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 \$102,945,379

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 \$ 2,773,402
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 \$ 19,540,000

4 31 If the director of revenue determines that the amount of
4 32 claims for credit for property taxes due plus the amount of
4 33 claims for reimbursement for rent constituting property taxes
4 34 paid which are to be paid during the fiscal year may exceed
4 35 the amount appropriated, the director shall estimate the
5 1 percentage of the credits and reimbursements which will be
5 2 funded by the appropriation. The county treasurer shall
5 3 notify the director of the amount of property tax credits
5 4 claimed by June 8, 2006. The director shall estimate the
5 5 percentage of the property tax credit and rent reimbursement
5 6 claims that will be funded by the appropriation and notify the
5 7 county treasurer of the percentage estimate by June 15, 2006.
5 8 The estimated percentage shall be used in computing for each
5 9 claim the amount of property tax credit and reimbursement for
5 10 rent constituting property taxes paid for that fiscal year.
5 11 If the director overestimates the percentage of funding,
5 12 claims for reimbursement for rent constituting property taxes
5 13 paid shall be paid until they can no longer be paid at the
5 14 estimated percentage of funding. Rent reimbursement claims
5 15 filed after that point in time shall receive priority and
5 16 shall be paid in the following fiscal year. If the director
5 17 underestimates the percentage of funding, the overage shall
5 18 remain in the fund established in section 425.39 for payments
5 19 to be made in the next fiscal year.

5 20 Sec. 6. Section 257.35, subsection 4, Code Supplement
5 21 2005, is amended to read as follows:

5 22 4. Notwithstanding subsection 1, and in addition to the
5 23 reduction applicable pursuant to subsection 2, the state aid
5 24 for area education agencies and the portion of the combined
5 25 district cost calculated for these agencies for the fiscal
5 26 year beginning July 1, ~~2005~~ 2006, shall be reduced by the
5 27 department of management by ~~eleven eight million seven hundred~~
~~5 28 ninety-eight thousand seven hundred three~~ dollars. The
5 29 reduction for each area education agency shall be ~~equal to~~
5 30 prorated based on the reduction that the agency received in
5 31 the fiscal year beginning July 1, 2003.

5 32 Sec. 7. 2005 Iowa Acts, chapter 179, section 7, is amended
5 33 to read as follows:

5 34 SEC. 7. CASH RESERVE APPROPRIATION FOR FY 2005=2006. For
5 35 the fiscal year beginning July 1, 2005, and ending June 30,
6 1 2006, the appropriation to the cash reserve fund provided in
6 2 section 8.57, subsection 1, paragraph "a", shall not be made.
6 3 ~~However, any surplus in the general fund of the state for the~~
~~6 4 fiscal year beginning July 1, 2005, and ending June 30, 2006,~~
~~6 5 shall be transferred to the cash reserve fund.~~

6 6 Sec. 8. CASH RESERVE APPROPRIATION FOR FY 2006=2007. For
6 7 the fiscal year beginning July 1, 2006, and ending June 30,
6 8 2007, the appropriation to the cash reserve fund provided in
6 9 section 8.57, subsection 1, paragraph "a", shall not be made.

6 10 Sec. 9. MARCH 24, 2006, REVENUE ESTIMATE. For use by the
6 11 general assembly in the budget process and the governor's
6 12 approval or disapproval of the appropriations bills for the
6 13 fiscal year beginning July 1, 2006, and for purposes of
6 14 calculating the state general fund expenditure limitation
6 15 pursuant to section 8.54 for the fiscal year beginning July 1,
6 16 2006, the revenue estimate for the fiscal year beginning July
6 17 1, 2006, that shall be used in the budget process and such
6 18 calculation shall be the revenue estimate determined by the
6 19 revenue estimating conference on March 24, 2006,
6 20 notwithstanding the provision in section 8.22A, subsection 3,
6 21 that disallows the use of a revenue estimate agreed to at a
6 22 later meeting that projects a greater amount than the initial
6 23 estimated amount agreed to in December 2005. This section
6 24 also authorizes the use of the estimated revenue figures for
6 25 the purposes or sources designated in section 8.22A,
6 26 subsection 5.

6 27 Sec. 10. EFFECTIVE AND APPLICABILITY DATES.

6 28 1. The section of this division of this Act creating the
6 29 property tax credit fund, being deemed of immediate
6 30 importance, takes effect upon enactment.

6 31 2. The section of this division of this Act relating to
6 32 the use of the March 24, 2006, revenue estimate, being deemed
6 33 of immediate importance, takes effect upon enactment and
6 34 applies retroactively to January 9, 2006.

6 35 3. The section of this division of this Act amending 2005

7 1 Iowa Acts, chapter 179, section 7, being deemed of immediate
7 2 importance, takes effect upon enactment.

7 3 DIVISION III

7 4 SALARIES, COMPENSATION, AND RELATED MATTERS

7 5 Sec. 11. STATE COURTS == JUSTICES, JUDGES, AND
7 6 MAGISTRATES.

7 7 1. The salary rates specified in subsection 2 are for the
7 8 fiscal year beginning July 1, 2006, effective for the pay
7 9 period beginning June 30, 2006, and for subsequent fiscal
7 10 years until otherwise provided by the general assembly. The
7 11 salaries provided for in this section shall be paid from funds
7 12 appropriated or otherwise made available to the judicial
7 13 branch pursuant to other Acts of the general assembly.

7 14 2. The following annual salary rates shall be paid to the
7 15 persons holding the judicial positions indicated during the
7 16 fiscal year beginning July 1, 2006, effective with the pay
7 17 period beginning June 30, 2006, and for subsequent pay
7 18 periods.

7 19 a. Chief justice of the supreme court:	
7 20	\$ 150,110
7 21 b. Each justice of the supreme court:	
7 22	\$ 144,000
7 23 c. Chief judge of the court of appeals:	
7 24	\$ 138,960
7 25 d. Each associate judge of the court of appeals:	
7 26	\$ 134,060
7 27 e. Each chief judge of a judicial district:	
7 28	\$ 131,000
7 29 f. Each district judge except the chief judge of a 7 30 judicial district:	
7 31	\$ 126,020
7 32 g. Each district associate judge:	
7 33	\$ 111,000
7 34 h. Each associate juvenile judge:	
7 35	\$ 111,000
8 1 i. Each associate probate judge:	
8 2	\$ 111,000
8 3 j. Each judicial magistrate:	
8 4	\$ 34,200
8 5 k. Each senior judge:	
8 6	\$ 7,100

8 7 3. Persons receiving the salary rates established under
8 8 this section shall not receive any additional salary
8 9 adjustments provided by this division of this Act.

8 10 4. The collective bargaining agreements negotiated
8 11 pursuant to chapter 20 for employees in the judicial branch of
8 12 government bargaining units and the annual pay adjustments,
8 13 related benefits, and expense reimbursements of judicial
8 14 branch employees not covered by a collective bargaining
8 15 agreement shall be paid from funds appropriated or made
8 16 available to the judicial branch as provided in subsection 1.

8 17 Sec. 12. APPOINTED STATE OFFICERS. Notwithstanding
8 18 section 20.5, subsection 3, the governor shall establish a
8 19 salary for appointed nonelected persons in the executive
8 20 branch of state government holding a position enumerated in
8 21 the section of this division of this Act that addresses the
8 22 salary ranges of state officers within the range provided, by
8 23 considering, among other items, the experience of the
8 24 individual in the position, changes in the duties of the
8 25 position, the incumbent's performance of assigned duties, and
8 26 subordinates' salaries. However, the attorney general shall
8 27 establish the salary for the consumer advocate, the chief
8 28 justice of the supreme court shall establish the salary for
8 29 the state court administrator, the Iowa public broadcasting
8 30 board shall establish the salary for the administrator of the
8 31 public broadcasting division of the department of education,
8 32 the ethics and campaign disclosure board shall establish the
8 33 salary of the executive director, and the state fair board
8 34 shall establish the salary of the secretary of the state fair
8 35 board, each within the salary range provided in the section of
9 1 this division of this Act that addresses the salary ranges of
9 2 state officers.

9 3 The governor, in establishing salaries as provided in the
9 4 section of this division of this Act that addresses the salary
9 5 ranges of state officers, shall take into consideration other
9 6 employee benefits which may be provided for an individual
9 7 including but not limited to housing.

9 8 A person whose salary is established pursuant to the
9 9 section of this division of this Act that addresses the salary
9 10 ranges of state officers and who is a full-time, year-round
9 11 employee of the state shall not receive any other remuneration

9 12 from the state or from any other source for the performance of
9 13 that person's duties unless the additional remuneration is
9 14 first approved by the governor or authorized by law. However,
9 15 this provision does not exclude the reimbursement for
9 16 necessary travel and expenses incurred in the performance of
9 17 duties or fringe benefits normally provided to employees of
9 18 the state.

9 19 Sec. 13. SALARY RANGE == STATE OFFICERS. The following
9 20 annual salary ranges are effective for the positions specified
9 21 in this section for the fiscal year beginning July 1, 2006,
9 22 and for subsequent fiscal years until otherwise provided by
9 23 the general assembly. The governor or other person designated
9 24 in the section of this division of this Act relating to
9 25 appointed state officers shall determine the salary to be paid
9 26 to the person indicated at a rate within this salary range
9 27 from funds appropriated by the general assembly for that
9 28 purpose.

9 29 1. The following are salary ranges for state officers for
9 30 the fiscal year beginning July 1, 2006, effective with the pay
9 31 period beginning June 30, 2006:

9 32	SALARY RANGE	Minimum	Maximum
9 33	a. Range 1	\$ 8,800	\$ 34,430
9 34	b. Range 2	\$ 45,395	\$ 69,460
9 35	c. Range 3	\$ 52,210	\$ 79,880
10 1	d. Range 4	\$ 60,040	\$ 91,860
10 2	e. Range 5	\$ 69,045	\$105,640
10 3	f. Range 6	\$ 79,405	\$121,490
10 4	g. Range 7	\$ 95,055	\$145,430

10 5 2. The following are range 1 positions: There are no
10 6 range 1 positions for the fiscal year beginning July 1, 2006.

10 7 3. The following are range 2 positions: administrator of
10 8 the arts division of the department of cultural affairs,
10 9 administrators of the division of persons with disabilities,
10 10 the division on the status of women, the division on the
10 11 status of Iowans of Asian and Pacific islander heritage, the
10 12 division on the status of African-Americans, the division of
10 13 deaf services, and the division of Latino affairs of the
10 14 department of human rights.

10 15 4. The following are range 3 positions: administrator of
10 16 the division of criminal and juvenile justice planning of the
10 17 department of human rights, administrator of the division of
10 18 community action agencies of the department of human rights,
10 19 executive director of the department of veterans affairs, and
10 20 chairperson and members of the employment appeal board of the
10 21 department of inspections and appeals.

10 22 5. The following are range 4 positions: director of the
10 23 department of human rights, director of the Iowa state civil
10 24 rights commission, executive director of the college student
10 25 aid commission, director of the department for the blind,
10 26 executive director of the ethics and campaign disclosure
10 27 board, members of the public employment relations board, and
10 28 chairperson, vice chairperson, and members of the board of
10 29 parole.

10 30 6. The following are range 5 positions: state public
10 31 defender, drug policy coordinator, labor commissioner,
10 32 administrator of the division of homeland security and
10 33 emergency management of the department of public defense,
10 34 workers' compensation commissioner, director of the department
10 35 of cultural affairs, director of the department of elder
11 1 affairs, director of the law enforcement academy, and
11 2 administrator of the historical division of the department of
11 3 cultural affairs.

11 4 7. The following are range 6 positions: administrator of
11 5 the alcoholic beverages division of the department of
11 6 commerce, director of the department of inspections and
11 7 appeals, commandant of the Iowa veterans home, commissioner of
11 8 public safety, commissioner of insurance, executive director
11 9 of the Iowa finance authority, director of the department of
11 10 natural resources, superintendent of banking, superintendent
11 11 of credit unions, director of the department of corrections,
11 12 consumer advocate, and chairperson of the utilities board. The
11 13 other members of the utilities board shall receive an annual
11 14 salary within a range of not less than 90 percent but not more
11 15 than 95 percent of the annual salary of the chairperson of the
11 16 utilities board.

11 17 8. The following are range 7 positions: administrator of
11 18 the state racing and gaming commission of the department of
11 19 inspections and appeals, director of the department of
11 20 education, director of human services, director of the
11 21 department of economic development, executive director of the
11 22 Iowa telecommunications and technology commission,

11 23 administrator of the public broadcasting division of the
11 24 department of education, executive director of the state board
11 25 of regents, director of the state department of
11 26 transportation, director of the department of workforce
11 27 development, director of revenue, director of public health,
11 28 state court administrator, secretary of the state fair board,
11 29 director of the department of management, and director of the
11 30 department of administrative services.

11 31 Sec. 14. COLLECTIVE BARGAINING AGREEMENTS FUNDED ==
11 32 GENERAL FUND. There is appropriated from the general fund of
11 33 the state to the salary adjustment fund for distribution by
11 34 the department of management to the various state departments,
11 35 boards, commissions, councils, and agencies, excluding the
12 1 state board of regents and the judicial branch, for the fiscal
12 2 year beginning July 1, 2006, and ending June 30, 2007, the
12 3 amount of \$29,000,000, or so much thereof as may be necessary,
12 4 to fully fund annual pay adjustments, expense reimbursements,
12 5 and related benefits implemented pursuant to the following:

12 6 1. The collective bargaining agreement negotiated pursuant
12 7 to chapter 20 for employees in the blue collar bargaining
12 8 unit.

12 9 2. The collective bargaining agreement negotiated pursuant
12 10 to chapter 20 for employees in the public safety bargaining
12 11 unit.

12 12 3. The collective bargaining agreement negotiated pursuant
12 13 to chapter 20 for employees in the security bargaining unit.

12 14 4. The collective bargaining agreement negotiated pursuant
12 15 to chapter 20 for employees in the technical bargaining unit.

12 16 5. The collective bargaining agreement negotiated pursuant
12 17 to chapter 20 for employees in the clerical bargaining unit.

12 18 6. The collective bargaining agreement negotiated pursuant
12 19 to chapter 20 for employees in the professional social
12 20 services bargaining unit.

12 21 7. The collective bargaining agreement negotiated pursuant
12 22 to chapter 20 for employees in the community-based corrections
12 23 bargaining unit.

12 24 8. The collective bargaining agreement negotiated pursuant
12 25 to chapter 20 for employees in the patient care bargaining
12 26 unit.

12 27 9. The collective bargaining agreement negotiated pursuant
12 28 to chapter 20 for employees in the science bargaining unit.

12 29 10. The annual pay adjustments, related benefits, and
12 30 expense reimbursements referred to in the section of this
12 31 division of this Act addressing noncontract state employees
12 32 not covered by a collective bargaining agreement.

12 33 Sec. 15. NONCONTRACT STATE EMPLOYEES == GENERAL.

12 34 1. a. For the fiscal year beginning July 1, 2006, the
12 35 maximum salary levels of all pay plans provided for in section
13 1 8A.413, subsection 2, as they exist for the fiscal year ending
13 2 June 30, 2006, shall be increased by 2 percent for the pay
13 3 period beginning June 30, 2006, and any additional changes in
13 4 the pay plans shall be approved by the governor.

13 5 b. For the fiscal year beginning July 1, 2006, employees
13 6 may receive a step increase or the equivalent of a step
13 7 increase.

13 8 2. The pay plans for state employees who are exempt from
13 9 chapter 8A, subchapter IV, and who are included in the
13 10 department of administrative service's centralized payroll
13 11 system shall be increased in the same manner as provided in
13 12 subsection 1, and any additional changes in any executive
13 13 branch pay plans shall be approved by the governor.

13 14 3. This section does not apply to members of the general
13 15 assembly, board members, commission members, salaries of
13 16 persons set by the general assembly pursuant to this division
13 17 of this Act or set by the governor, other persons designated
13 18 in the section of this division of this Act addressing
13 19 appointed state officers, employees designated under section
13 20 8A.412, subsection 5, and employees covered by 11 IAC 53.6(3).

13 21 4. The pay plans for the bargaining eligible employees of
13 22 the state shall be increased in the same manner as provided in
13 23 subsection 1, and any additional changes in such executive
13 24 branch pay plans shall be approved by the governor. As used
13 25 in this section, "bargaining eligible employee" means an
13 26 employee who is eligible to organize under chapter 20, but has
13 27 not done so.

13 28 5. The policies for implementation of this section shall
13 29 be approved by the governor.

13 30 Sec. 16. APPROPRIATIONS FROM ROAD FUNDS.

13 31 1. There is appropriated from the road use tax fund to the
13 32 salary adjustment fund for the fiscal year beginning July 1,
13 33 2006, and ending June 30, 2007, the following amount, or so

13 34 much thereof as may be necessary, to be used for the purpose
13 35 designated:

14 1 To supplement other funds appropriated by the general
14 2 assembly:

14 3 \$ 1,416,695

14 4 2. There is appropriated from the primary road fund to the
14 5 salary adjustment fund, for the fiscal year beginning July 1,
14 6 2006, and ending June 30, 2007, the following amount, or so
14 7 much thereof as may be necessary, to be used for the purpose

14 8 designated:
14 9 To supplement other funds appropriated by the general
14 10 assembly:

14 11 \$ 9,593,363

14 12 3. Except as otherwise provided in this division of this
14 13 Act, the amounts appropriated in subsections 1 and 2 shall be
14 14 used to fund the annual pay adjustments, expense
14 15 reimbursements, and related benefits for public employees as
14 16 provided in this division of this Act.

14 17 Sec. 17. SPECIAL FUNDS == AUTHORIZATION. To departmental
14 18 revolving, trust, or special funds, except for the primary
14 19 road fund or the road use tax fund, for which the general
14 20 assembly has established an operating budget, a supplemental
14 21 expenditure authorization is provided, unless otherwise
14 22 provided, in an amount necessary to fund salary adjustments as
14 23 otherwise provided in this division of this Act.

14 24 Sec. 18. GENERAL FUND SALARY MONEYS. Funds appropriated
14 25 for distribution from the salary adjustment fund in the
14 26 section of this division of this Act providing for funding of
14 27 collective bargaining agreements relate only to salaries
14 28 supported from general fund appropriations of the state except
14 29 for employees of the state board of regents and the judicial
14 30 branch.

14 31 Sec. 19. FEDERAL FUNDS APPROPRIATED. All federal grants
14 32 to and the federal receipts of the agencies affected by this
14 33 division of this Act which are received and may be expended
14 34 for purposes of this division of this Act are appropriated for
14 35 those purposes and as set forth in the federal grants or

15 1 receipts.
15 2 Sec. 20. STATE TROOPER MEAL ALLOWANCE. The sworn peace
15 3 officers in the department of public safety who are not
15 4 covered by a collective bargaining agreement negotiated
15 5 pursuant to chapter 20 shall receive the same per diem meal
15 6 allowance as the sworn peace officers in the department of
15 7 public safety who are covered by a collective bargaining
15 8 agreement negotiated pursuant to chapter 20.

15 9 Sec. 21. SICK LEAVE CONVERSION. It is the intent of the
15 10 general assembly that the sick leave conversion program under
15 11 the collective bargaining agreement that covers the greatest
15 12 number of state employees and that affects sick leave accrual
15 13 and allows sick leave conversion and use upon retirement for
15 14 payment of certain health insurance premiums shall be extended
15 15 to employees in the executive branch, excluding state board of
15 16 regents employees, not covered by a collective bargaining
15 17 agreement, consistent with any legislation enacted during the
15 18 2006 Regular Session of the general assembly providing for
15 19 such extension.

15 20 Sec. 22. Section 256.81, subsection 1, Code 2005, is
15 21 amended to read as follows:

15 22 1. The public broadcasting division of the department of
15 23 education is created. The chief administrative officer of the
15 24 division is the administrator who shall be appointed by and
15 25 serve at the pleasure of the Iowa public broadcasting board.
15 26 The ~~governor board~~ shall set the division administrator's
15 27 salary within the applicable salary range established by the
15 28 general assembly unless otherwise provided by law. Educational
15 29 programming shall be the highest priority of the division.
15 30 The director of the department of education and the state
15 31 board of education are not liable for the activities of the
15 32 division of public broadcasting.

15 33 Sec. 23. Section 256.82, subsection 1, unnumbered
15 34 paragraph 1, Code 2005, is amended to read as follows:

15 35 The Iowa public broadcasting board is created to plan,
16 1 establish, and operate educational radio and television
16 2 facilities and other telecommunications services ~~including~~
16 3 ~~narrowcast and broadcast systems~~ to serve the educational
16 4 needs of the state. The board shall be composed of nine
16 5 members selected in the following manner:

16 6 Sec. 24. Section 256.82, subsection 1, paragraph a,
16 7 subparagraphs (1) and (2), Code 2005, are amended to read as
16 8 follows:

16 9 (1) One member shall be appointed from the business

16 10 community other than ~~the commercial broadcasting industry and~~
16 11 the television and telecommunications industry.

16 12 (2) One member shall be appointed ~~from the commercial~~
~~16 13 broadcast with experience in or knowledge about the television~~
16 14 industry.

16 15 Sec. 25. Section 256.82, subsection 1, paragraph b,
16 16 subparagraph (4), Code 2005, is amended to read as follows:

16 17 (4) One member ~~who is knowledgeable about~~
~~16 18 telecommunications~~ shall be appointed by the state board of
16 19 regents.

16 20 Sec. 26. Section 256.84, subsections 1 and 2, Code 2005,
16 21 are amended to read as follows:

16 22 1. The board may purchase, lease, and improve property,
16 23 equipment, and services for educational telecommunications
16 24 including the broadcast and narrowcast systems, and may
16 25 dispose of property and equipment when not necessary for its
16 26 purposes. ~~The board and division administrator may arrange~~
~~16 27 for joint use of available services and facilities.~~

16 28 2. The board shall apply for channels, frequencies,
16 29 licenses, ~~and~~ permits, and other authorizations as necessary
16 30 for the performance of the board's duties.

16 31 Sec. 27. Section 256.84, subsection 5, Code 2005, is
16 32 amended by striking the subsection.

16 33 Sec. 28. Section 256.84, Code 2005, is amended by adding
16 34 the following new subsections:

16 35 NEW SUBSECTION. 11. To preserve the integrity of its
17 1 editorial processes, the board may select programming, content
17 2 partners, and other authorized contractual services without
17 3 using a competitive selection process or performance measures
17 4 that may otherwise be required by law for such services. For
17 5 purposes of this subsection, authorized contractual services
17 6 are those services related, directly or indirectly, to the
17 7 development of program production and instructional and
17 8 educational media. Authorized contractual services include
17 9 but are not limited to on-air performers, producers or
17 10 directors, field producers, writers, production assistants,
17 11 manual laborers, mobile unit services, closed captioning
17 12 services, duplication of tape services, and satellite
17 13 services.

17 14 NEW SUBSECTION. 12. The board shall approve for
17 15 submission the annual budget request and any supplementary
17 16 budget request for the public broadcasting division of the
17 17 department of education.

17 18 Sec. 29. Section 256.85, Code 2005, is amended to read as
17 19 follows:

17 20 256.85 PURCHASE OF ENERGY EFFICIENCY PACKAGES.

17 21 The public broadcasting division of the department of
17 22 education may use the state of Iowa facilities improvement
17 23 corporation to purchase energy efficiency packages ~~for its~~
~~17 24 ultrahigh frequency transmitters.~~

17 25 Sec. 30. Section 421.1A, subsection 6, Code Supplement
17 26 2005, is amended to read as follows:

17 27 6. The members of the property assessment appeal board
17 28 shall receive compensation from the state commensurate with
17 29 the salary of a district judge. The members of the board
17 30 shall ~~not~~ be considered state employees for purposes of salary
17 31 and benefits. The members of the board and any employees of
17 32 the board, when required to travel in the discharge of
17 33 official duties, shall be paid their actual and necessary
17 34 expenses incurred in the performance of duties.

17 35 Sec. 31. Section 256.89, Code 2005, is repealed.

18 1 DIVISION IV

18 2 OTHER APPROPRIATIONS
18 3 AND RELATED MATTERS

18 4 Sec. 32. ARTS EDUCATION AND ENRICHMENT PROGRAMMING.

18 5 1. There is appropriated from the general fund of the
18 6 state to the department of cultural affairs for the fiscal
18 7 year beginning July 1, 2006, and ending June 30, 2007, the
18 8 following amount, or so much thereof as is necessary, to be
18 9 used for the purposes designated:

18 10 For a study of arts education and enrichment programming
18 11 for school age children in accordance with this section:

18 12 \$ 5,000

18 13 2. a. The department shall conduct a study of arts
18 14 education and enrichment programming for school age children
18 15 to evaluate the status of arts education and enrichment
18 16 programming available to school age children in this state;
18 17 develop a strategy for greatly expanding the availability of
18 18 arts education and enrichment programming outside of school
18 19 settings; and identify curricula, model programs, best
18 20 practices, and other resources that may be used by programs

18 21 and persons in this state that provide arts education and
18 22 enrichment programming outside of school settings.
18 23 b. The department shall utilize a resource committee in
18 24 conducting the study. The committee membership may include
18 25 representatives of the departments of economic development,
18 26 education, and human services, the Iowa after school alliance,
18 27 the Iowa community education association, the Iowa library
18 28 association, legislators, art educators, artists and
18 29 performers, and others with relevant expertise.
18 30 c. The study may utilize regional forums through the Iowa
18 31 communications network and other approaches for securing
18 32 public input and discussion of the study topics.
18 33 d. The department shall report to the governor and general
18 34 assembly concerning the study with findings and
18 35 recommendations in December 2006.

19 1 Sec. 33. VETERANS TRUST FUND. There is appropriated from
19 2 the general fund of the state to the veterans trust fund for
19 3 the fiscal year beginning July 1, 2006, and ending June 30,
19 4 2007, the following amount:

19 5 \$ 4,500,000

19 6 Sec. 34. COUNTY GRANT PROGRAM FOR VETERANS ==
19 7 APPROPRIATION. There is appropriated from the general fund of
19 8 the state to the department of veterans affairs, for the
19 9 fiscal year beginning July 1, 2006, and ending June 30, 2007,
19 10 the following amount, or so much thereof as is necessary, to
19 11 be used for the purpose designated:

19 12 For providing matching grants to counties to provide
19 13 improved services to veterans:

19 14 \$ 1,000,000

19 15 The department shall establish a grant application process
19 16 and shall require each county applying for a grant to submit a
19 17 plan for utilizing the grant to improve services for veterans.
19 18 The maximum matching grant to be awarded to a county shall be
19 19 \$10,000 and the amount awarded shall be matched on a dollar=
19 20 for-dollar basis by the county. Each county receiving a grant
19 21 shall submit a report to the department identifying the impact
19 22 of the grant on increasing services to veterans. The
19 23 department shall submit a report to the general assembly by
19 24 October 1, 2007, concerning the impact of the grant program on
19 25 increasing services to veterans.

19 26 Sec. 35. IOWA LAW ENFORCEMENT ACADEMY. There is
19 27 appropriated from the general fund of the state to the Iowa
19 28 law enforcement academy for the fiscal year beginning July 1,
19 29 2006, and ending June 30, 2007, the following amount, or so
19 30 much thereof as is necessary, to be used for the purpose
19 31 designated:

19 32 For the purchase of equipment and furnishings:

19 33 \$ 25,000

19 34 Sec. 36. GOVERNOR AND LIEUTENANT GOVERNOR. If 2006 Iowa
19 35 Acts, House File 2521, is enacted and provides for
20 1 appropriations from the general fund of the state to the
20 2 offices of the governor and lieutenant governor for the fiscal
20 3 year beginning July 1, 2006, and ending June 30, 2007, for the
20 4 following indicated purposes, those appropriations are
20 5 increased by the following amounts:

20 6 1. TERRACE HILL QUARTERS

20 7 For salaries, support, maintenance and miscellaneous
20 8 purposes for the governor's quarters at Terrace Hill:

20 9 \$ 22,676

20 10 2. NATIONAL GOVERNORS ASSOCIATION

20 11 For payment of Iowa's membership in the national governors
20 12 association:

20 13 \$ 16,207

20 14 Sec. 37. UPDATED MANURE MANAGEMENT PLANS. There is
20 15 appropriated from the manure storage indemnity fund created in
20 16 section 459.501 to the department of natural resources for the
20 17 fiscal year beginning July 1, 2006, and ending June 30, 2007,
20 18 the following amount, or so much thereof as is necessary, to
20 19 be used for the purpose designated:

20 20 For the department to modify its computer database in order
20 21 to provide documentation to persons required to submit updated
20 22 manure management plans and updated manure management plan
20 23 filing fees to the department pursuant to the schedules
20 24 provided in sections 459.312 and 459.400, if amended by the
20 25 Eighty-first General Assembly, 2006 Session:

20 26 \$ 80,000

20 27 As a condition of this appropriation, the department shall
20 28 repay the manure storage indemnity fund in four equal
20 29 installments by June 30 of each fiscal year for the fiscal
20 30 period beginning July 1, 2007, and ending June 30, 2011.

20 31 Sec. 38. REAL ESTATE EDUCATION PROGRAM. There is

20 32 appropriated from the general fund of the state to the state
20 33 board of regents for the fiscal year beginning July 1, 2007,
20 34 and ending June 30, 2008, the following amount, or so much
20 35 thereof as is necessary, to be used for the purpose
21 1 designated:

21 2 For allocation to the university of northern Iowa for the
21 3 real estate education program:
21 4 \$ 200,000
21 5 The appropriation made in this section is contingent upon
21 6 enactment of 2006 Iowa Acts, House File 2773, or other
21 7 enactment by the Eighty-first General Assembly, 2006 Session,
21 8 amending section 543B.54 to appropriate fees credited to the
21 9 Iowa real estate education fund to the real estate commission
21 10 in lieu of the state board of regents.

21 11 Sec. 39. STATE BOARD OF REGENTS == GENERAL FUND ENDING
21 12 BALANCE.

21 13 1. Notwithstanding section 8.62, prior to the
21 14 appropriation of the surplus existing in the general fund of
21 15 the state at the conclusion of the fiscal year beginning July
21 16 1, 2005, pursuant to section 8.57, subsection 1, from
21 17 appropriations that remain unencumbered or unobligated and
21 18 would otherwise revert on August 31, 2006, pursuant to section
21 19 8.33, up to \$2,800,000 shall be transferred to the state board
21 20 of regents.

21 21 2. The transfer made in subsection 1 shall be distributed
21 22 to the state board of regents in the fiscal year beginning
21 23 July 1, 2006, to be used as additional funding for the fiscal
21 24 year beginning July 1, 2006, for the institutions under the
21 25 state board of regents.

21 26 Sec. 40. STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER
21 27 HERITAGE DIVISION. If 2006 Iowa Acts, House File 2521, is
21 28 enacted and provides for an appropriation from the general
21 29 fund of the state to the department of human rights for the
21 30 status of Iowans of Asian and Pacific islander heritage
21 31 division for the fiscal year beginning July 1, 2006, and
21 32 ending June 30, 2007, there is appropriated to supplement that
21 33 appropriation as follows:
21 34 For salaries, support, maintenance, and miscellaneous
21 35 purposes and for not more than the following full-time
22 1 equivalent position:
22 2 \$ 80,000
22 3 FTEs 1.00

22 4 Sec. 41. DEPARTMENT OF CULTURAL AFFAIRS. There is
22 5 appropriated from the general fund of the state to the
22 6 department of cultural affairs for the fiscal year beginning
22 7 July 1, 2006, and ending June 30, 2007, the following amounts,
22 8 or so much thereof as is necessary, to be used for the
22 9 purposes designated:

22 10 1. For the African-American historical museum and cultural
22 11 center of Iowa in Cedar Rapids:
22 12 \$ 85,000

22 13 2. For historical resource development program emergency
22 14 grants for qualified historic preservation projects in
22 15 gubernatorially declared natural disaster emergency areas in
22 16 Johnson county, notwithstanding section 303.16, subsection 6,
22 17 paragraph "d":
22 18 \$ 250,000

22 19 Sec. 42. DEPARTMENT OF JUSTICE. There is appropriated
22 20 from the general fund of the state to the department of
22 21 justice for the fiscal year beginning July 1, 2006, and ending
22 22 June 30, 2007, the following amount, or so much thereof as is
22 23 necessary, to be used for the purpose designated:
22 24 For the purpose of funding farm mediation services pursuant
22 25 to the farm assistance program created in sections 13.13
22 26 through 13.24:
22 27 \$ 100,000

22 28 Sec. 43. SUSTAINABLE NATURAL RESOURCE FUNDING
22 29 STUDY.

22 30 1. There is established a sustainable natural
22 31 resource funding advisory committee for the purpose of
22 32 studying how to provide a sustainable source or
22 33 sources of funding for natural resources needs in
22 34 Iowa. The department of natural resources shall
22 35 provide staffing for the advisory committee. The
23 1 following shall be members of the advisory committee:
23 2 a. One representative from the following
23 3 organizations or entities to be appointed by the
23 4 governor:
23 5 (1) Secretary of agriculture.
23 6 (2) Iowa natural heritage foundation.
23 7 (3) Ducks unlimited.

23 8 (4) Pheasants forever.
 23 9 (5) Iowa association of county conservation
 23 10 boards.
 23 11 (6) Iowa farm bureau.
 23 12 (7) Farmers union.
 23 13 (8) The nature conservancy.
 23 14 (9) Iowa environmental council.
 23 15 (10) Iowa renewable fuels association.
 23 16 b. The director of the department of natural
 23 17 resources, who shall be the chairperson of the
 23 18 advisory committee.
 23 19 c. Two members of the senate, one of which is
 23 20 appointed by the majority leader and one of which is
 23 21 appointed by the minority leader.
 23 22 d. Two members of the house of representatives,
 23 23 one of which is appointed by the majority leader and
 23 24 one of which is appointed by the minority leader.
 23 25 2. The advisory committee shall submit a report to
 23 26 the governor and the general assembly by January 10,
 23 27 2007. The report shall contain but is not limited to
 23 28 the following:
 23 29 a. Information on what surrounding states have
 23 30 done to provide sustainable funding for natural
 23 31 resource conservation.
 23 32 b. Outline of a conservation funding initiative
 23 33 agree upon by the advisory committee.
 23 34 c. Outline of the amount of revenue needed and
 23 35 what would be accomplished if the conservation funding
 24 1 initiative is implemented.
 24 2 d. Analysis of Iowa's citizens' willingness to pay
 24 3 for identified conservation funding initiative.
 24 4 Sec. 44. 2001 Iowa Acts, chapter 174, section 1,
 24 5 subsection 2, as amended by 2002 Iowa Acts, chapter 1174,
 24 6 section 8, 2003 Iowa Acts, chapter 179, section 38, 2004 Iowa
 24 7 Acts, chapter 1175, section 270, and 2005 Iowa Acts, chapter
 24 8 179, section 23, is amended to read as follows:
 24 9 2. There is appropriated from the general fund of the
 24 10 state to the endowment for Iowa's health account of the
 24 11 tobacco settlement trust fund created in section 12E.12, for
 24 12 the designated fiscal years, the following amounts, to be used
 24 13 for the purposes specified in section 12E.12 for the endowment
 24 14 for Iowa's health account:

24 15	FY 2001=2002	\$ 7,248,000
24 16	FY 2003=2004	\$ 0
24 17	FY 2004=2005	\$ 0
24 18	FY 2005=2006	\$ 0
24 19	FY 2006=2007	\$ 17,773,000

0

24 20
 24 21 Sec. 45. Section 16.100, Code 2005, is amended by adding
 24 22 the following new subsection:
 24 23 NEW SUBSECTION. 9. Notwithstanding any provision to the
 24 24 contrary, all assets held in the housing improvement fund
 24 25 shall be transferred to the housing trust fund created in
 24 26 section 16.181. On and after July 1, 2006, any moneys or
 24 27 assets received for deposit in the housing improvement fund
 24 28 shall be transferred to the housing trust fund.
 24 29 Sec. 46. NEW SECTION. 137F.3A MUNICIPAL CORPORATION
 24 30 INSPECTIONS == CONTINGENT APPROPRIATION.
 24 31 1. If a municipal corporation operating pursuant to a
 24 32 chapter 28E agreement with the department of inspections and
 24 33 appeals to enforce this chapter and chapters 137C and 137D
 24 34 either fails to renew the agreement effective after July 1,
 24 35 2005, but before July 1, 2007, or discontinues prior to July
 25 1 1, 2007, enforcement activities in one or more jurisdictions
 25 2 during the agreement time frame, or the department of
 25 3 inspections and appeals cancels an agreement prior to July 1,
 25 4 2007, due to noncompliance with the terms of the agreement,
 25 5 the department of inspections and appeals may employ
 25 6 additional full-time equivalent positions for the fiscal years
 25 7 ending prior to July 1, 2007, to enforce the provisions of the
 25 8 chapters, with the approval of the department of management.
 25 9 Before approval is given, the director of the department of
 25 10 management shall determine that the expenses exceed the funds
 25 11 budgeted by the general assembly for food inspections to the
 25 12 department of inspections and appeals. The department of
 25 13 inspections and appeals may hire no more than one full-time
 25 14 equivalent position for each six hundred inspections required
 25 15 pursuant to this chapter and chapters 137C and 137D.
 25 16 2. Notwithstanding chapter 137D, and sections 137C.9 and
 25 17 137F.6, if the conditions described in this section are met,
 25 18 fees imposed pursuant to that chapter and those sections shall

25 19 be retained by and are appropriated to the department of
25 20 inspections and appeals for the fiscal years ending prior to
25 21 July 1, 2007, to provide for salaries, support, maintenance,
25 22 and miscellaneous purposes associated with the additional
25 23 inspections.

25 24 3. This section is repealed July 1, 2007.

25 25 Sec. 47. Section 256D.5, subsection 4, Code Supplement
25 26 2005, is amended to read as follows:

25 27 4. For each fiscal year of the fiscal period beginning
25 28 July 1, 2004, and ending June 30, ~~2006~~ 2007, the sum of
25 29 twenty-nine million two hundred fifty thousand dollars.

25 30 Sec. 48. 2005 Iowa Acts, chapter 175, section 4,
25 31 subsection 4, as enacted by 2006 Iowa Acts, House File 2080,
25 32 section 3, is amended by adding the following new paragraph:
25 33 NEW PARAGRAPH. c. Of the amount transferred pursuant to
25 34 this subsection, not more than \$50,000 shall be transferred to
25 35 the department of public defense to be used for the enduring
26 1 families program.

26 2 Sec. 49. REPORT. By October 1, 2009, the Iowa finance
26 3 authority shall submit a written report to the general
26 4 assembly regarding the status of the housing trust fund. The
26 5 report shall review the program and activities under the
26 6 program during the existence of the fund, an update on the
26 7 housing needs in the state, and any recommendations for
26 8 changes.

26 9 Sec. 50. HOUSING TRUST FUND. It is the intent of the
26 10 general assembly to make appropriations from the general fund
26 11 of the state to the housing trust fund created in section
26 12 16.181 for the designated fiscal years in the following
26 13 amounts:

26 14	1. FY 2007=2008	\$ 2,000,000
26 15	2. FY 2008=2009	\$ 3,000,000
26 16	3. FY 2009=2010	\$ 4,000,000

26 17 Sec. 51. WORLD FOOD PRIZE. It is the intent of the
26 18 general assembly to make appropriations from the general fund
26 19 of the state for purposes of the world food prize for the
26 20 designated fiscal years in the following amounts:

26 21	1. FY 2007=2008	\$ 750,000
26 22	2. FY 2008=2009	\$ 1,000,000

26 23 Sec. 52. CONTINGENT EFFECTIVE DATE. The section of this
26 24 division of this Act making an appropriation from the manure
26 25 storage indemnity fund to the department of natural resources
26 26 is contingent upon the enactment by the Eighty-first General
26 27 Assembly, 2006 Session of an Act which amends sections 459.312
26 28 and 459.400 making it necessary for the department to modify
26 29 its computer database in order to provide documentation to
26 30 persons required to submit updated manure management plans and
26 31 updated manure management plan filing fees to the department.

26 32 Sec. 53. EFFECTIVE AND APPLICABILITY DATES.

26 33 1. The section of this division of this Act transferring
26 34 moneys that would otherwise revert to the state board of
26 35 regents, being deemed of immediate importance, takes effect
27 1 upon enactment.

27 2 2. The section of this division of this Act enacting
27 3 section 137F.3A, being deemed of immediate importance, takes
27 4 effect upon enactment and applies retroactively to July 1,
27 5 2005.

27 6 DIVISION V

27 7 MISCELLANEOUS STATUTORY CHANGES

27 8 Sec. 54. Section 7D.29, Code 2005, as amended by 2006 Iowa
27 9 Acts, Senate File 2273, section 7, is amended by adding the
27 10 following new subsection:

27 11 NEW SUBSECTION. 4. The executive council shall receive
27 12 requests from the Iowa department of public health, relative
27 13 to the purchase, storing, and distribution of vaccines and
27 14 medication for prevention, prophylaxis, or treatment. Upon
27 15 review and after compliance with subsection 2, the executive
27 16 council may approve the request and may incur the necessary
27 17 expense and pay the same out of any money in the state
27 18 treasury not otherwise appropriated.

27 19 Sec. 55. Section 15E.208, subsection 3, paragraph b,
27 20 subparagraph (2), Code 2005, is amended by adding the
27 21 following new subparagraph subdivision:

27 22 NEW SUBPARAGRAPH SUBDIVISION. (e) Notwithstanding any
27 23 provision of this division to the contrary, payments of
27 24 principal and interest of the loan granted by the corporation
27 25 to an eligible person and assigned to the department pursuant
27 26 to this subparagraph during calendar year 2003 which were
27 27 deferred pursuant to subparagraph subdivision (c) shall be
27 28 forgiven and the total debt, including interest, shall be
27 29 retired.

27 30 Sec. 56. Section 15G.119, subsection 4, paragraph c, if
27 31 enacted by 2006 Iowa Acts, House File 2759, is amended to read
27 32 as follows:

27 33 c. Notwithstanding section 8.33, unencumbered and
27 34 unobligated moneys remaining in the infrastructure fund at the
27 35 close of each fiscal year shall not revert but shall remain
28 1 available in the infrastructure fund for expenditure for the
28 2 same purposes ~~in the succeeding fiscal year until the end of~~
28 3 ~~the fiscal year that begins July 1, 2011, at which time the~~
28 4 ~~unencumbered and unobligated moneys remaining shall revert to~~
28 5 ~~the funds from which appropriated.~~

28 6 Sec. 57. Section 22.7, subsection 52, unnumbered paragraph
28 7 1, as enacted by 2006 Iowa Acts, House File 2706, if enacted,
28 8 is amended to read as follows:

28 9 The following records relating to a charitable donation
28 10 made to a foundation acting solely for the support of an
28 11 institution governed by the state board of regents, to a
28 12 foundation acting solely for the support of an institution
28 13 governed by chapter 260C, to a private foundation as defined
28 14 in section 509 of the Internal Revenue Code organized for the
28 15 support of a government body, or to an endow Iowa qualified
28 16 community foundation, as defined in section 15E.303, organized
28 17 for the support of a government body:

28 18 Sec. 58. Section 22.7, Code Supplement 2005, is amended by
28 19 adding the following new subsections:

28 20 NEW SUBSECTION. 53. Individually identifiable client
28 21 information contained in the records of the state database
28 22 created as a homeless management information system pursuant
28 23 to standards developed by the United States department of
28 24 housing and urban development and utilized by the Iowa
28 25 department of economic development.

28 26 NEW SUBSECTION. 54. The following information contained
28 27 in the records of any governmental body relating to any form
28 28 of housing assistance:

- 28 29 a. An applicant's social security number.
- 28 30 b. An applicant's personal financial history.
- 28 31 c. An applicant's personal medical history or records.
- 28 32 d. An applicant's current residential address when the
28 33 applicant has been granted or has made application for a civil
28 34 or criminal restraining order for the personal protection of
28 35 the applicant or a member of the applicant's household.

29 1 Sec. 59. Section 29A.28, subsections 1 and 3, Code 2005,
29 2 are amended to read as follows:

29 3 1. All officers and employees of the state, or a
29 4 subdivision thereof, or a municipality other than employees
29 5 employed temporarily for six months or less, who are members
29 6 of the national guard, organized reserves or any component
29 7 part of the military, naval, or air forces or nurse corps of
29 8 this state or nation, or who are or may be otherwise inducted
29 9 into the military service of this state or of the United
29 10 States, or who are members of the civil air patrol, shall,
29 11 when ordered by proper authority to state active duty, state
29 12 military service, or federal service, or when performing a
29 13 civil air patrol mission pursuant to section 29A.3A, be

29 14 entitled to a leave of absence from such civil employment for
29 15 the period of state active duty, state military service, ~~or~~
29 16 federal service, or civil air patrol duty without loss of
29 17 status or efficiency rating, and without loss of pay during
29 18 the first thirty days of such leave of absence. Where state
29 19 active duty, state military service, ~~or~~ federal service, or
29 20 civil air patrol duty is for a period of less than thirty
29 21 days, a leave of absence under this section shall only be
29 22 required for those days that the civil employee would normally
29 23 perform services for the state, subdivision of the state, or a
29 24 municipality.

29 25 3. Upon returning from a leave of absence under this
29 26 section, an employee shall be entitled to return to the same
29 27 position and classification held by the employee at the time
29 28 of entry into state active duty, state military service, ~~or~~
29 29 federal service, or civil air patrol duty, or to the position
29 30 and classification that the employee would have been entitled
29 31 to if the continuous civil service of the employee had not
29 32 been interrupted by state active duty, state military service,
29 33 ~~or~~ federal service, or civil air patrol duty. Under this
29 34 subsection, "position" includes the geographical location of
29 35 the position.

30 1 Sec. 60. Section 29A.40, unnumbered paragraph 2, Code
30 2 2005, is amended to read as follows:

30 3 Any person who, without authority under the laws of the
30 4 United States or of one of the states, wears the uniform of,
30 5 or a distinctive part of the uniform of the armed forces of

30 6 the United States, shall be guilty of a ~~simple~~ serious
30 7 misdemeanor.

30 8 Sec. 61. Section 29A.43, subsection 1, Code Supplement
30 9 2005, is amended to read as follows:

30 10 1. A person shall not discriminate against any officer or
30 11 enlisted person of the national guard or organized reserves of
30 12 the armed forces of the United States or any member of the
30 13 civil air patrol because of that membership. An employer, or
30 14 agent of an employer, shall not discharge a person from
30 15 employment because of being an officer or enlisted person of
30 16 the military forces of the state or member of the civil air
30 17 patrol, or hinder or prevent the officer or enlisted person or
30 18 member of the civil air patrol from performing any military
30 19 service or civil air patrol duty the person is called upon to
30 20 perform by proper authority. A member of the national guard
30 21 or organized reserves of the armed forces of the United States
30 22 ordered to temporary duty, as defined in section 29A.1,
30 23 subsection 3, 11, or 12, or a member of the civil air patrol
30 24 performing duty pursuant to section 29A.3A, for any purpose is
30 25 entitled to a leave of absence during the period of the duty
30 26 or service, from the member's private employment, other than
30 27 employment of a temporary nature, and upon completion of the
30 28 duty or service the employer shall restore the person to the
30 29 position held prior to the leave of absence, or employ the
30 30 person in a similar position. However, the person shall give
30 31 evidence to the employer of satisfactory completion of the
30 32 training or duty, and that the person is still qualified to
30 33 perform the duties of the position. The period of absence
30 34 shall be construed as an absence with leave, and shall in no
30 35 way affect the employee's rights to vacation, sick leave,
31 1 bonus, or other employment benefits relating to the employee's
31 2 particular employment. A person violating a provision of this
31 3 section is guilty of a simple misdemeanor.

31 4 Sec. 62. Section 29C.8, subsection 3, paragraph f, Code
31 5 Supplement 2005, is amended to read as follows:

31 6 f. ~~(1)~~ Approve and support the development and ongoing
31 7 operations of ~~an urban search and rescue team~~ homeland
31 8 security and emergency response teams to be deployed as a
31 9 resource to supplement and enhance disrupted or overburdened
31 10 local emergency and disaster operations and deployed as
31 11 available to provide assistance to other states pursuant to
31 12 the interstate emergency management assistance compact
31 13 described in section 29C.21. The following shall apply to
31 14 homeland security and emergency response teams:

31 15 ~~(2)~~ (1) A member of ~~an urban search and rescue a homeland~~
31 16 security and emergency response team acting under ~~the~~
31 17 authority this section upon the directive of the administrator
31 18 or pursuant to a governor's disaster proclamation as provided
31 19 in section 29C.6 shall be considered an employee of the state
31 20 ~~under~~ for purposes of section 29C.21 and chapter 669 and shall
31 21 be afforded protection as an employee of the state under
31 22 section 669.21. Disability, workers' compensation, and death
31 23 benefits for team members working under the authority of the
31 24 administrator or pursuant to the provisions of section 29C.6
31 25 shall be paid by the state in a manner consistent with the
31 26 provisions of chapter 85, 410, or 411 as appropriate,
31 27 depending on the status of the member, provided that the
31 28 member is registered with the homeland security and emergency
31 29 management division as a member of an approved team and is
31 30 participating as a team member in a response or recovery
31 31 operation initiated by the administrator or governor pursuant
31 32 to this section or in a training or exercise activity approved
31 33 by the administrator.

31 34 (2) Each approved homeland security and emergency
31 35 management response team shall establish standards for team
32 1 membership, shall provide the division with a listing of all
32 2 team members, and shall update the list each time a member is
32 3 removed from or added to the team. Individuals so identified
32 4 as team members shall be considered to be registered as team
32 5 members for purposes of subparagraph (1).

32 6 (3) Upon notification of a compensable loss to a member of
32 7 a homeland security and emergency management response team,
32 8 the department of administrative services shall process the
32 9 claim and seek funding from the executive council for those
32 10 costs associated with covered benefits.

32 11 Sec. 63. Section 29C.20, subsection 1, paragraph a,
32 12 subparagraph (5), Code Supplement 2005, is amended to read as
32 13 follows:

32 14 (5) Paying the expenses incurred by and claims of ~~an urban~~
32 15 search and rescue a homeland security and emergency response
32 16 team when acting under the authority of ~~the administrator and~~

~~32 17 the provisions of section 29C.6 29C.8 and public health~~
32 18 response teams when acting under the provisions of section
32 19 135.143.
32 20 Sec. 64. Section 29C.20, subsection 1, paragraph b, Code
32 21 Supplement 2005, is amended to read as follows:
32 22 b. When a state department or agency requests that moneys
32 23 from the contingent fund be expended to repair, rebuild, or
32 24 restore state property injured, destroyed, or lost by fire,
32 25 storm, theft, or unavoidable cause, or to repair, rebuild, or
32 26 restore state property that is fiberoptic cable and that is
32 27 injured or destroyed by a wild animal, or to purchase a police
32 28 service dog for the department of corrections when such a dog
32 29 is injured or destroyed, or for payment of the expenses
32 30 incurred by and claims of ~~an urban search and rescue a~~
32 31 ~~homeland security and emergency response team when acting~~
32 32 ~~under the authority of the administrator and the provisions of~~
32 33 ~~section 29C.6 29C.8, the executive council shall consider the~~
32 34 ~~original source of the funds for acquisition of the property~~
32 35 ~~before authorizing the expenditure. If the original source~~
33 1 ~~was other than the general fund of the state, the department~~
33 2 ~~or agency shall be directed to utilize moneys from the~~
33 3 ~~original source if possible. The executive council shall not~~
33 4 ~~authorize the repairing, rebuilding, or restoring of the~~
33 5 ~~property from the disaster aid contingent fund if it~~
33 6 ~~determines that moneys from the original source are available~~
33 7 ~~to finance the project.~~
33 8 Sec. 65. Section 35A.5, subsection 9, Code Supplement
33 9 2005, is amended to read as follows:
33 10 9. Establish and operate a state veterans cemetery and
33 11 make application to the government of the United States or any
33 12 subdivision, agency, or instrumentality thereof, for funds for
33 13 the purpose of establishing such a cemetery. The state may
33 14 enter into agreements with any subdivision of the state for
33 15 assistance in operating the cemetery. The state shall own the
33 16 land on which the cemetery is located.
33 17 PARAGRAPH DIVIDED. The department shall have the authority
33 18 to accept federal grant funds, funding from state
33 19 subdivisions, donations from private sources, and federal
33 20 "plot allowance" payments. ~~All such funds shall be deposited~~
~~33 21 into an account dedicated to the establishment, operation, and~~
~~33 22 maintenance of a veterans cemetery and these funds shall be~~
~~33 23 expended only for those purposes.~~ The department through the
33 24 director shall have the authority to accept suitable cemetery
33 25 land, in accordance with federal veterans cemetery grant
33 26 guidelines, from the federal government, state government,
33 27 state subdivisions, private sources, and any other source
33 28 wishing to transfer land for use as a veterans cemetery. The
33 29 department may lease or use property received pursuant to this
33 30 subsection for any purpose so long as such leasing or use does
33 31 not interfere with the use of the property for cemetery
33 32 purposes and is not contrary to federal or state guidelines.
33 33 All funds received pursuant to this subsection, including
33 34 lease payments or funds generated from any activity engaged in
33 35 on any property accepted pursuant to this subsection, shall be
34 1 deposited into an account dedicated to the establishment,
34 2 operation, and maintenance of a veterans cemetery and these
34 3 funds shall be expended only for those purposes.
34 4 PARAGRAPH DIVIDED. Notwithstanding section 8.33, any
34 5 moneys in the account for a state veterans cemetery shall not
34 6 revert and, notwithstanding section 12C.7, subsection 2,
34 7 interest or earnings on moneys deposited in the fund shall be
34 8 credited to the account.
34 9 Sec. 66. Section 35A.13, Code 2005, is amended by adding
34 10 the following new subsection:
34 11 NEW SUBSECTION. 5A. It is the intent of the general
34 12 assembly that beginning with the fiscal year beginning July 1,
34 13 2007, appropriations be made annually to the veterans trust
34 14 fund. Prior to any additional appropriations to this fund,
34 15 the commission shall provide the general assembly with
34 16 information identifying immediate and long-term veteran
34 17 services throughout the state and a plan for delivering those
34 18 services.
34 19 Sec. 67. Section 35A.13, subsection 6, Code 2005, is
34 20 amended by striking the subsection and inserting in lieu
34 21 thereof the following:
34 22 6. Moneys appropriated to the commission under this
34 23 section shall not be used to supplant funding provided by
34 24 other sources. The moneys may be expended upon a majority
34 25 vote of the commission membership for the benefit of veterans
34 26 and the spouses and dependents of veterans, for any of the
34 27 following purposes:

34 28 a. Travel expenses for wounded veterans directly related
34 29 to follow-up medical care.
34 30 b. Job training or college tuition assistance for job
34 31 retraining.
34 32 c. Unemployment assistance during a period of unemployment
34 33 due to prolonged physical or mental illness or disability
34 34 resulting from military service.
34 35 d. Expenses related to nursing facility or at-home care.
35 1 e. Benefits provided to children of disabled or deceased
35 2 veterans.
35 3 f. Individual counseling or family counseling programs.
35 4 g. Family support group programs or programs for children
35 5 of members of the military.
35 6 h. Honor guard services.

35 7 Sec. 68. Section 35A.13, Code 2005, is amended by adding
35 8 the following new subsection:

35 9 NEW SUBSECTION. 6A. If the commission identifies other
35 10 purposes for which the moneys appropriated under this section
35 11 may be used for the benefit of veterans and the spouses and
35 12 dependents of veterans, the commission shall submit
35 13 recommendations for the addition of such purposes to the
35 14 general assembly for review.

35 15 Sec. 69. Section 68B.32A, subsection 2, unnumbered
35 16 paragraph 2, Code Supplement 2005, is amended to read as
35 17 follows:

35 18 The board may establish a process to assign signature codes
35 19 to a person or committee for purposes of facilitating an
35 20 electronic filing procedure. The assignment of signature
35 21 codes shall be kept confidential, notwithstanding section
35 22 22.2. The board and persons electronically filing reports and
35 23 statements shall keep assigned signature codes or subsequently
35 24 selected signature codes confidential. Signature codes shall
35 25 not be subject to state security policies regarding frequency
35 26 of change.

35 27 Sec. 70. NEW SECTION. 70A.15A CHARITABLE GIVING PAYROLL
35 28 DEDUCTION BY OTHER THAN STATE OFFICER OR EMPLOYEE.

35 29 1. For purposes of this section, unless the context
35 30 otherwise requires:

35 31 a. "Applicable public employer" means a board of directors
35 32 of a school district, a county board of supervisors, or a
35 33 governing body of a city.

35 34 b. "Eligible charitable organization" means a not=
35 35 for-profit federation of health and human services, social
36 1 welfare, or environmental agencies or associations that meets
36 2 all of the following conditions:

36 3 (1) The federation is tax exempt under section 501(c)(3)
36 4 of the Internal Revenue Code and contributions to the
36 5 federation are deductible under section 170 of the Internal
36 6 Revenue Code.

36 7 (2) The federation has had an office in this state for the
36 8 last five years.

36 9 (3) The federation represents at least ten health and
36 10 human services, social welfare, or environmental agencies or
36 11 associations that are located in this state.

36 12 (4) The federation is governed by an active, voluntary
36 13 board, which exercises administrative control over the
36 14 federation.

36 15 (5) The federation is not a charitable foundation.

36 16 (6) The federation is registered with the secretary of
36 17 state's office.

36 18 2. An applicable public employer may authorize deductions
36 19 from the salaries or wages of its employees of an amount
36 20 specified by an employee for payment to an eligible charitable
36 21 organization. The authorization by an employee for deductions
36 22 from the employee's salary or wages shall be evidenced by a
36 23 written request signed by the employee directed to and filed
36 24 with the treasurer, or official in charge of the payroll
36 25 system, of the applicable public employer and the treasurer or
36 26 responsible official shall deduct from the salary or wages of
36 27 the employee the amount specified for payment to the eligible
36 28 charitable organization. The request for the deduction may be
36 29 withdrawn by the employee at any time by filing a written
36 30 notification of withdrawal with the applicable treasurer or
36 31 responsible official in charge of the payroll system.

36 32 3. If an applicable public employer authorizes deductions
36 33 from the salaries or wages of its employees for payment to any
36 34 eligible charitable organization, the applicable public
36 35 employer shall ensure that any employee shall be permitted to
37 1 authorize a deduction to any eligible charitable organization.

37 2 Sec. 71. Section 103A.10, subsection 2, Code 2005, is
37 3 amended by adding the following new paragraph:

37 4 NEW PARAGRAPH. c. To all newly constructed buildings and
37 5 structures the construction of which is paid for in whole or
37 6 in part with moneys appropriated by the state but not wholly
37 7 owned by the state.

37 8 Sec. 72. NEW SECTION. 103A.10A PLAN REVIEWS AND
37 9 INSPECTIONS.

37 10 1. Beginning on January 1, 2007, all newly constructed
37 11 buildings or structures, excluding any addition, renovation,
37 12 or repair of a building or structure whether existing prior to
37 13 January 1, 2007, or thereafter, that are owned by the state or
37 14 an agency of the state, except as provided in subsection 2,
37 15 shall be subject to a plan review and inspection by the
37 16 commissioner or an independent building inspector appointed by
37 17 the commissioner. A fee shall be assessed for the cost of
37 18 plan review and the cost of inspection.

37 19 2. Beginning on July 1, 2007, all newly constructed
37 20 buildings, excluding any addition, renovation, or repair of a
37 21 building whether existing prior to July 1, 2007, or
37 22 thereafter, that are owned by the state board of regents shall
37 23 be subject to a plan review and inspection by the commissioner
37 24 or the commissioner's staff or assistant. The commissioner
37 25 and the state board of regents shall develop a plan to
37 26 implement the requirements of this subsection, including
37 27 funding recommendations related to plan review and inspection,
37 28 by March 1, 2007.

37 29 3. All newly constructed buildings and structures the
37 30 construction of which is paid for in whole or in part with
37 31 moneys appropriated by the state but not wholly owned by the
37 32 state are subject to the plan review and inspection
37 33 requirements as provided in this subsection. If a
37 34 governmental subdivision has adopted a building code,
37 35 electrical code, mechanical code, and plumbing code and
38 1 performs inspections pursuant to such codes, such buildings or
38 2 structures shall be built to comply with such codes. However,
38 3 if a governmental subdivision has not adopted a building code,
38 4 electrical code, mechanical code, and plumbing code, or does
38 5 not perform inspections pursuant to such codes, such buildings
38 6 or structures shall be built to comply with the state building
38 7 code and shall be subject to a plan review and inspection by
38 8 the commissioner or an independent building inspector
38 9 appointed by the commissioner. A fee shall be assessed for
38 10 the cost of plan review and the cost of inspection.

38 11 4. The commissioner shall administer this section
38 12 notwithstanding section 103A.19. The commissioner shall
38 13 establish by rule proper qualifications for an independent
38 14 building inspector and for the commissioner's staff or
38 15 assistant who performs inspections, and fees for plan reviews
38 16 and inspections.

38 17 Sec. 73. Section 147.106, subsection 1, paragraph e, Code
38 18 Supplement 2005, is amended to read as follows:

38 19 e. The referring clinical laboratory, other than the
38 20 laboratory of a physician's office or group practice, that
38 21 ordered the services. A laboratory of a physician's office or
38 22 group practice that ordered the services may be presented a
38 23 claim, bill, or demand for payment if a physician in the
38 24 physician's office or group practice is performing the
38 25 professional component of the anatomic pathology services.

38 26 Sec. 74. Section 147.106, subsection 5, Code Supplement
38 27 2005, is amended to read as follows:

38 28 5. This section does not prohibit claims or charges
38 29 presented ~~by~~ to a referring clinical laboratory, other than a
38 30 laboratory of a physician's office or group practice, ~~to~~
38 31 unless in accordance with subsection 1, paragraph "e", by
38 32 another clinical laboratory when samples are transferred
38 33 between laboratories for the provision of anatomic pathology
38 34 services.

38 35 Sec. 75. Section 225C.48, subsection 1, Code 2005, if
39 1 amended by both 2006 Iowa Acts, House File 845, if enacted,
39 2 and by 2006 Iowa Acts, Senate File 2217, section 22, if
39 3 enacted, is amended by striking the subsection and inserting
39 4 in lieu thereof the following:

39 5 1. a. An eleven-member comprehensive family support
39 6 council is created in the department. The members of the
39 7 council shall be appointed by the governor. At least five of
39 8 the members shall be family members of individuals with a
39 9 disability as defined in section 225C.47. At least five of
39 10 the members shall be current or former service consumers or
39 11 family members of such service consumers. Members shall serve
39 12 for three-year staggered terms. A vacancy on the council
39 13 shall be filled in the same manner as the original
39 14 appointment.

39 15 b. The members of the council are entitled to
39 16 reimbursement of actual and necessary expenses incurred in the
39 17 performance of their official duties. In addition, the
39 18 members who are family members of individuals with a
39 19 disability or current or former service consumers or family
39 20 members of such service consumers are entitled to a stipend of
39 21 fifty dollars for each council meeting attended, subject to a
39 22 limit of one meeting per month. The expenses and stipend
39 23 shall be paid from the appropriation made for purposes of the
39 24 comprehensive family support program.

39 25 c. The council shall elect officers from among the
39 26 council's members.

39 27 Sec. 76. Section 232.147, subsection 2, paragraph b, if
39 28 enacted by 2006 Iowa Acts, House File 2651, section 1, is
39 29 amended to read as follows:

39 30 b. Official juvenile court records containing a petition
39 31 or complaint alleging delinquency filed on or after January 1,
39 32 2007, shall be public records subject to a confidentiality
39 33 order under section 232.149A or sealing under section 232.150.

39 34 ~~However, the~~ The official records shall not be available to
39 35 the public or any governmental agency through the internet or
40 1 in an electronic customized data report unless the child has
40 2 been adjudicated delinquent. However, the following shall
40 3 have access to official juvenile court records through the
40 4 internet or in an electronic customized data report prior to
40 5 the child being adjudicated delinquent:

40 6 (1) The judge and professional court staff, including
40 7 juvenile court officers.

40 8 (2) The child's counsel or guardian ad litem.

40 9 (3) The county attorney and the county attorney's
40 10 assistants.

40 11 (4) A court, court professional staff, and adult probation
40 12 officers in connection with the preparation of a presentence
40 13 report concerning a person who prior thereto had been the
40 14 subject of a juvenile court proceeding.

40 15 (5) A state or local law enforcement agency.

40 16 (6) The state public defender.

40 17 (7) The division of criminal and juvenile justice planning
40 18 of the department of human rights.

40 19 Sec. 77. Section 232.149A, subsection 3, if enacted by
40 20 2006 Iowa Acts, House File 2651, section 2, is amended by
40 21 adding the following new paragraph:

40 22 NEW PARAGRAPH. i. The state public defender.

40 23 Sec. 78. NEW SECTION. 257.12 ADJUSTMENT IN STATE
40 24 FOUNDATION AID.

40 25 1. If a school district is required to repay property
40 26 taxes paid for school taxes levied on property originally
40 27 assessed at five million dollars or more because the
40 28 assessment was subsequently reduced by the action of the
40 29 property assessment appeal board or judicial action and the
40 30 amount of the reduction in the assessment equals at least one
40 31 hundred thousand dollars or two percent of the assessed value
40 32 of all taxable property in the district prior to the
40 33 reduction, whichever is less, the school district is eligible
40 34 for an adjustment in state foundation aid. To receive the
40 35 adjustment in state foundation aid, the school district shall
41 1 apply to the department of management prior to the beginning
41 2 of the budget year following the budget year in which the
41 3 repayment of the property taxes occurred. The department of
41 4 management shall determine the amount of adjustment in state
41 5 foundation aid pursuant to subsection 2.

41 6 2. The department of management shall determine the amount
41 7 of state foundation aid which the school district would have
41 8 received under section 257.1 if the amount of the school
41 9 district's foundation property tax was determined using the
41 10 reduced assessment of the applicable property. The difference
41 11 between the amount of the state foundation aid using the
41 12 reduced assessment and the amount of state foundation aid
41 13 actually received under section 257.1 equals the amount of the
41 14 adjustment in state foundation aid to be paid to the school
41 15 district.

41 16 3. The adjustment in state foundation aid under this
41 17 section shall be paid as provided in section 257.16. If the
41 18 application to receive an adjustment in state aid was filed
41 19 prior to April 15, the adjustment shall be paid in the budget
41 20 year. If the application is made after April 15, the
41 21 adjustment shall be paid in the following budget year.

41 22 Sec. 79. Section 275.15, unnumbered paragraph 4, Code
41 23 2005, is amended to read as follows:

41 24 The administrator shall at once publish the decision in the
41 25 same newspaper in which the original notice was published.

41 26 Within twenty days after the publication, the decision
41 27 rendered by the area education agency board may be appealed to
41 28 the district court in the county involved by any school
41 29 district affected. For purposes of appeal, only those school
41 30 districts who filed reorganization petitions are school
41 31 districts affected. An appeal from a decision of an area
41 32 education agency board or joint area education agency boards
41 33 under section 275.4, 275.16, or this section is subject to
41 34 appeal procedures under this chapter and is ~~not~~ subject to
41 35 appeal under procedures set forth in chapter 290.

42 1 Sec. 80. Section 314.1, subsection 2, Code 2005, as
42 2 amended by 2006 Iowa Acts, House File 2713, section 27, is
42 3 amended to read as follows:

42 4 2. Notwithstanding any other provision of law to the
42 5 contrary, a public improvement that involves the construction,
42 6 reconstruction, or improvement of a highway, bridge, or
42 7 culvert and that has a cost in excess of the applicable
42 8 threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14, or
42 9 313.10, as modified by the bid threshold subcommittee pursuant
42 10 to section 314.1B, shall be advertised and let for bid, except
42 11 such public improvements that involve emergency work pursuant
42 12 to section 309.40A, 313.10, or 384.103, subsection 2. For a
42 13 city having a population of fifty thousand or less, a public
42 14 improvement that involves the construction, reconstruction, or
42 15 improvement of a highway, bridge, or culvert that has a cost
42 16 in excess of twenty-five thousand dollars, as modified by the
42 17 bid threshold subcommittee pursuant to section 314.1B, shall
42 18 be advertised and let for bid, excluding emergency work.

42 19 However, a public improvement that has an estimated total cost
42 20 to a city in excess of a threshold of fifty thousand dollars,
42 21 as modified by the bid threshold subcommittee pursuant to
42 22 section 314.1B, and that involves the construction,
42 23 reconstruction, or improvement of a highway, bridge, or
42 24 culvert that is under the jurisdiction of a city with a
42 25 population of more than fifty thousand, shall be advertised
42 26 and let for bid. Cities required to competitively bid
42 27 highway, bridge, or culvert work shall do so in compliance
42 28 with the contract letting procedures of sections 38.3 through
42 29 38.13.

42 30 Sec. 81. Section 352.2, subsection 7, Code 2005, is
42 31 amended to read as follows:

42 32 7. "Farm products" means those plants and animals and
42 33 their products which are useful to people and includes but is
42 34 not limited to forages and sod crops, grains and feed crops,
42 35 dairy and dairy products, poultry and poultry products,
43 1 livestock, canines from licensed facilities, fruits,
43 2 vegetables, flowers, seeds, grasses, trees, fish, honey, and
43 3 other similar products, or any other plant, animal, or plant
43 4 or animal product which supplies people with food, feed,
43 5 fiber, or fur.

43 6 Sec. 82. Section 421.17, subsection 27, paragraph j, if
43 7 enacted by 2006 Iowa Acts, House File 2521, is amended by
43 8 striking the paragraph and inserting in lieu thereof the
43 9 following:

43 10 j. Of the amount of debt actually collected pursuant to
43 11 this subsection an amount, not to exceed the amount collected,
43 12 which is sufficient to pay for salaries, support, maintenance,
43 13 services, and other costs incurred by the department related
43 14 to the administration of this subsection shall be retained by
43 15 the department. Revenues retained by the department pursuant
43 16 to this section shall be considered repayment receipts as
43 17 defined in section 8.2. The director shall, in the annual
43 18 budget request pursuant to section 8.23, make an estimate as
43 19 to the amount of receipts to be retained and the estimated
43 20 amount of additional receipts to be collected. The director
43 21 shall report annually to the department of management, the
43 22 legislative fiscal committee, and the legislative services
43 23 agency on any additional positions added and the costs
43 24 incurred during the previous fiscal year pursuant to this
43 25 subsection.

43 26 Sec. 83. Section 423.1, subsection 3, Code Supplement
43 27 2005, is amended to read as follows:

43 28 3. "Agricultural production" includes the production of
43 29 flowering, ornamental, or vegetable plants in commercial
43 30 greenhouses or otherwise, and production from aquaculture or
43 31 canines from licensed facilities. "Agricultural products"
43 32 includes flowering, ornamental, or vegetable plants and those
43 33 products of aquaculture or canines from licensed facilities.

43 34 Sec. 84. Section 427.1, subsection 21A, Code Supplement
43 35 2005, is amended by striking the subsection and inserting in
44 1 lieu thereof the following:

44 2 21A. DWELLING UNIT PROPERTY OWNED BY COMMUNITY HOUSING
44 3 DEVELOPMENT ORGANIZATION. Dwelling unit property owned and
44 4 managed by a community housing development organization, as
44 5 recognized by the state of Iowa and the federal government
44 6 pursuant to criteria for community housing development
44 7 organization designation contained in the HOME program of the
44 8 federal National Affordable Housing Act of 1990, if the
44 9 organization is also a nonprofit organization exempt from
44 10 federal income tax under section 501(c)(3) of the Internal
44 11 Revenue Code and owns and manages more than one hundred and
44 12 fifty dwelling units that are located in a city with a
44 13 population of more than one hundred ten thousand.

44 14 Sec. 85. NEW SECTION. 441.38A NOTICE TO SCHOOL DISTRICT.

44 15 In addition to any other requirement for providing of
44 16 notice, if a property owner or aggrieved taxpayer files a
44 17 protest against the assessment of property valued at five
44 18 million dollars or more or files an appeal to the property
44 19 assessment appeal board or the district court with regard to
44 20 such property, the assessor shall provide notice to the school
44 21 district in which such property is located within ten days of
44 22 the filing of the protest or the appeal, as applicable.

44 23 Sec. 86. Section 466A.3, subsection 1, paragraph b, Code
44 24 Supplement 2005, is amended to read as follows:

44 25 b. The board shall consist of four members of the general
44 26 assembly who shall serve as ~~voting~~ ex officio, nonvoting
44 27 members. Not more than one member from each house shall be
44 28 from the same political party. Two state senators shall be
44 29 appointed, one by the majority leader of the senate and one by
44 30 the minority leader of the senate. Two state representatives
44 31 shall be appointed, one by the speaker of the house of
44 32 representatives and one by the minority leader of the house of
44 33 representatives. A member may designate another person to
44 34 attend a board meeting if the member is unavailable. Only the
44 35 member is eligible for per diem and expenses as provided in
45 1 section 2.10.

45 2 Sec. 87. Section 631.14, Code 2005, is amended to read as
45 3 follows:

45 4 631.14 REPRESENTATION IN SMALL CLAIMS ACTIONS.

45 5 1. Actions constituting small claims may be brought or
45 6 defended by an individual, partnership, association,
45 7 corporation, or other entity. In actions in which a person
45 8 other than an individual is a party, that person may be
45 9 represented by an officer or an employee.

45 10 2. In actions concerning residential rental property that
45 11 is titled in the name of one or more individuals, an employee
45 12 of one or more of the titled owners, or an officer or employee
45 13 of a property management entity acting on behalf of one or
45 14 more of the titled owners, may bring or defend an action in
45 15 the name of the titled owners, the property management entity,
45 16 or the name by which the property is commonly known.

45 17 Notwithstanding any other provision to the contrary, if the
45 18 defendant or plaintiff has been improperly named in the
45 19 petition in an action concerning residential rental property,
45 20 the real party in interest shall be substituted at the time
45 21 the error is identified and the action shall not be dismissed
45 22 or delayed except to the extent necessary to identify and
45 23 serve the real parties in interest.

45 24 3. A person who in the regular course of business takes
45 25 assignments of instruments or accounts pursuant to chapter
45 26 539, which assignments constitute small claims, may bring an
45 27 action on an assigned instrument or account in the person's
45 28 own name and need not be represented by an attorney, provided
45 29 that in an action brought to recover payment on a dishonored
45 30 check or draft, as defined in section 554.3104, the action is
45 31 brought in the county of residence of the maker of the check
45 32 or draft or in the county where the draft or check was first
45 33 presented. Any person, however, may be represented in a small
45 34 claims action by an attorney.

45 35 Sec. 88. 2006 Iowa Acts, Senate File 2251, section 1,
46 1 subsection 2, paragraph b, is amended by adding the following
46 2 new subparagraphs:

46 3 NEW SUBPARAGRAPH. (35) The Iowa podiatric medical
46 4 society.

46 5 NEW SUBPARAGRAPH. (36) The Iowa speech=language hearing
46 6 association.

46 7 Sec. 89. EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

46 8 1. The section of this division of this Act amending
46 9 section 7D.29, being deemed of immediate importance, takes
46 10 effect upon enactment.

46 11 2. The section of this division of this Act amending
46 12 section 427.1, subsection 21A, being deemed of immediate

46 13 importance, takes effect upon enactment and applies
46 14 retroactively to January 1, 2005, for assessment years
46 15 beginning on or after that date.

46 16 3. The section of this division of this Act enacting
46 17 section 441.38A takes effect January 1, 2007, and applies to
46 18 assessment years beginning on or after that date.

46 19 DIVISION VI

46 20 SETTLEMENT OF STATE FINANCIAL AND TORT CLAIMS

46 21 Sec. 90. Section 8.6, Code 2005, is amended by adding the
46 22 following new subsection:

46 23 NEW SUBSECTION. 15. STATE TORT CLAIMS == RISK MANAGEMENT
46 24 COORDINATOR. Designate a position within the department to
46 25 serve as the executive branch's risk management coordinator.
46 26 The risk management coordinator shall have all of the
46 27 following responsibilities:

46 28 a. Coordinating and monitoring risk control policies and
46 29 programs in the executive branch, including but not limited to
46 30 coordination with the employees of departments who are
46 31 responsible for the workers' compensation for state employees
46 32 and management of state property.

46 33 b. Consulting with the attorney general with respect to
46 34 the risk control policies and programs and trends in claims
46 35 and liability of the state under chapter 669.

47 1 c. Coordinating the state's central data repository for
47 2 claims and risk information.

47 3 The costs of salary, benefits, and support for the risk
47 4 management coordinator shall be authorized by the state appeal
47 5 board established in chapter 73A and shall be paid as claims
47 6 for services furnished to the state under section 25.2.

47 7 Sec. 91. Section 8A.512, subsection 1, paragraph b,
47 8 subparagraph (3), Code 2005, is amended to read as follows:

47 9 (3) Claims approved by an agency according to the
47 10 provisions of ~~sections 25.1 and section~~ 25.2.

47 11 Sec. 92. Section 22.7, subsection 32, Code Supplement
47 12 2005, is amended to read as follows:

47 13 32. Social security numbers of the owners of unclaimed
47 14 property reported to the treasurer of state pursuant to
47 15 section 556.11, subsection 2, included on claim forms filed
47 16 with the treasurer of state pursuant to section 556.19,
47 17 included in outdated warrant reports received by the treasurer
47 18 of state pursuant to section ~~25.2~~ 556.2C, or stored in record
47 19 systems maintained by the treasurer of state for purposes of
47 20 administering chapter 556, or social security numbers of
47 21 payees included on state warrants included in records systems
47 22 maintained by the department of administrative services for
47 23 the purpose of documenting and tracking outdated warrants
47 24 pursuant to section ~~25.2~~ 556.2C.

47 25 Sec. 93. Section 25.1, subsection 1, Code 2005, is amended
47 26 to read as follows:

47 27 1. ~~When~~ Except for those claims that are addressed as
47 28 provided in section 25.2, subsection 2, when a claim is filed
47 29 or made against the state, on which in the judgment of the
47 30 director of the department of management the state would be
47 31 liable except for the fact of its sovereignty or that it has
47 32 no appropriation available for its payment, the director of
47 33 the department of management shall deliver that claim to the
47 34 state appeal board. However, this chapter does not apply to a
47 35 claim as defined in section 669.2.

48 1 Sec. 94. Section 25.1, subsection 3, Code 2005, is amended
48 2 by striking the subsection.

48 3 Sec. 95. Section 25.1, unnumbered paragraph 1, Code 2005,
48 4 is amended by striking the unnumbered paragraph.

48 5 Sec. 96. Section 25.2, subsection 1, unnumbered paragraph
48 6 1, Code 2005, is amended to read as follows:

48 7 The state appeal board with the recommendation of the
48 8 special assistant attorney general for claims may approve or
48 9 reject claims against the state of less than ~~ten~~ five years
48 10 involving the following:

48 11 Sec. 97. Section 25.2, subsection 1, paragraph a, Code
48 12 2005, is amended by striking the paragraph.

48 13 Sec. 98. Section 25.2, Code 2005, is amended by adding the
48 14 following new subsection:

48 15 NEW SUBSECTION. 1A. Notwithstanding the time period
48 16 specified in subsection 1, the state appeal board may approve
48 17 or reject a claim against the state of five years or more,
48 18 provided an error was made by the state or the claim involves
48 19 a dispute that commenced five years or more prior.

48 20 Sec. 99. Section 25.2, subsection 2, Code 2005, is amended
48 21 to read as follows:

48 22 2. a. Notwithstanding subsection 1, an agency that
48 23 receives a claim that is charged to a funding source other

48 24 than the general fund of the state that does not revert and is
48 25 based on an outdated invoice, outdated division for
48 26 merchandise, or for services furnished to the state pursuant
48 27 to section 25.1, subsection 3, may on its own approve or deny
48 28 the claim. The agency shall provide the state appeal board
48 29 with notification of receipt of the claim and action taken on
48 30 the claim by the agency. The state appeal board shall adopt
48 31 rules setting forth the procedures and standards for
48 32 resolution of such claims by state agencies. Claims denied by
48 33 an agency shall be forwarded to the state appeal board by the
48 34 agency for further consideration, in accordance with this
48 35 chapter.

49 1 b. The department of administrative services staff
49 2 performing financial administration duties under chapter 8A,
49 3 subchapter V, shall establish reporting requirements for
49 4 dealing with claims under this subsection as necessary to
49 5 conform with generally accepted accounting principles.

49 6 Sec. 100. Section 25.2, subsection 4, Code 2005, is
49 7 amended by striking the subsection and inserting in lieu
49 8 thereof the following:

49 9 4. Outstanding state warrants that have been canceled
49 10 pursuant to section 8A.519 and were charged to the general
49 11 fund of the state or another state funding source shall be
49 12 addressed as provided in section 556.2C.

49 13 Sec. 101. Section 25.2, subsection 5, Code 2005, is
49 14 amended by striking the subsection.

49 15 Sec. 102. NEW SECTION. 556.2C OUTSTANDING STATE
49 16 WARRANTS.

49 17 1. a. An unpaid, outdated warrant that is canceled
49 18 pursuant to section 8A.519 shall be included in a list of
49 19 outstanding state warrants maintained by the director of the
49 20 department of administrative services. On or before July 1 of
49 21 each year, the director of the department of administrative
49 22 services shall provide the office of the treasurer of state
49 23 with a consolidated list of such outstanding warrants that
49 24 have not been previously reported to the office.

49 25 b. The consolidated list shall be accompanied by
49 26 supporting information as specified by the treasurer of state.
49 27 The treasurer of state may include information regarding the
49 28 outstanding warrants in the notice published pursuant to
49 29 section 556.12 and on the treasurer of state's official
49 30 internet website.

49 31 c. The reporting requirements of this section do not apply
49 32 to outdated warrants charged to federal grants or other
49 33 nonstate funds for which funding is no longer available as
49 34 described in section 25.2.

49 35 2. An agreement to pay compensation to recover or assist
50 1 in the recovery of an outstanding warrant made within twenty=
50 2 four months after the date the warrant is canceled is
50 3 unenforceable. However, an agreement made after twenty=
50 4 four months from the date the warrant is canceled is valid if the
50 5 fee or compensation agreed upon is not more than fifteen
50 6 percent of the recoverable property, the agreement is in
50 7 writing and signed by the payee, and the writing discloses the
50 8 nature and value of the property and the name and address of
50 9 the person in possession. This subsection does not apply to a
50 10 payee who has a bona fide fee contract with a practicing
50 11 attorney regulated under chapter 602, article 10.

50 12 Sec. 103. Section 556.18, subsection 2, Code 2005, is
50 13 amended by adding the following new paragraph:

50 14 NEW PARAGRAPH. d. Any costs in connection with
50 15 information on outstanding state warrants addressed pursuant
50 16 to section 556.2C.

50 17 Sec. 104. Section 669.2, subsection 2, Code Supplement
50 18 2005, is amended to read as follows:

50 19 2. "Award" means any amount determined by the ~~state appeal~~
50 20 ~~board attorney general~~ to be payable to a claimant under
50 21 section 669.3, and the amount of any compromise or settlement
50 22 under section 669.9.

50 23 Sec. 105. Section 669.3, Code 2005, is amended to read as
50 24 follows:

50 25 669.3 ADJUSTMENT AND SETTLEMENT OF CLAIMS.

50 26 ~~1. Authority is hereby conferred upon the state appeal~~
50 27 ~~board, acting The attorney general, on behalf of the state of~~
50 28 ~~Iowa, subject to the advice and approval of the attorney~~
50 29 ~~general, to shall consider, ascertain, adjust, compromise,~~
50 30 ~~settle, determine, and allow any claim as defined in that is~~
50 31 ~~subject to this chapter. If any claim is compromised,~~
50 32 ~~settled, or allowed in an amount of more than five thousand~~
50 33 ~~dollars, the unanimous approval of all members of the state~~
50 34 ~~appeal board and the attorney general shall be required and~~

~~50 35 the approval of the district court of the state of Iowa for
51 1 Polk county shall also be required.~~

51 2 2. Claims A claim made under this chapter shall be filed
51 3 with the director of the department of management, who shall
51 4 acknowledge receipt on behalf of the state ~~appeal board~~.

51 5 3. The state appeal board shall adopt rules and procedures
51 6 for the handling, processing, and investigation of claims,
51 7 ~~according to the provisions of the Iowa administrative~~
~~51 8 procedure Act, in accordance with chapter 17A.~~

51 9 Sec. 106. Section 669.4, unnumbered paragraph 5, Code
51 10 2005, is amended by striking the unnumbered paragraph.

51 11 Sec. 107. Section 669.5, Code 2005, is amended to read as
51 12 follows:

51 13 669.5 WHEN SUIT PERMITTED == EMPLOYEES OF THE STATE.

51 14 1. ~~No~~ A suit shall ~~not~~ be permitted for a claim under this
51 15 chapter unless the ~~state appeal board attorney general~~ has
51 16 made final disposition of the claim ~~except that if. However,~~
51 17 ~~if the state appeal board attorney general~~ does not make final
51 18 disposition of a claim within six months after the claim is
51 19 made in writing to the ~~state appeal board director of the~~
51 20 ~~department of management~~, the claimant may, by notice in
51 21 writing, withdraw the claim from consideration of the ~~state~~
51 22 ~~appeal board~~ and begin suit under this chapter. Disposition
51 23 of or offer to settle any claim made under this chapter shall
51 24 not be competent evidence of liability or amount of damages in
51 25 any suit under this chapter.

51 26 2. a. Upon certification by the attorney general that a
51 27 defendant in a suit was an employee of the state acting within
51 28 the scope of the employee's office or employment at the time
51 29 of the incident upon which the claim is based, the suit
51 30 commenced upon the claim shall be deemed to be an action
51 31 against the state under the provisions of this chapter, and if
51 32 the state is not already a defendant, the state shall be
51 33 substituted as the defendant in place of the employee.

51 34 b. If the attorney general refuses to certify that a
51 35 defendant was acting within the scope of the defendant's
52 1 office or employment as described in paragraph "a" at the time
52 2 of the incident out of which the claim arose, the defendant
52 3 may petition the court, with notice to the attorney general,
52 4 for the court to find and certify that the defendant was an
52 5 employee of the state and was acting within the scope of the
52 6 defendant's office or employment. The defendant must file the
52 7 petition within ninety days of the date the attorney general
52 8 serves notice of the attorney general's refusal to provide
52 9 certification as provided in paragraph "a". If the court
52 10 issues the finding and certification, the suit shall be deemed
52 11 to be brought against the state and subject to the provisions
52 12 of this chapter and the state shall be substituted as the
52 13 defendant party unless the state is already a defendant. If
52 14 the court denies the petition for certification, the order
52 15 shall not be a final order and is not subject to interlocutory
52 16 appeal by the defendant.

52 17 Sec. 108. Section 669.13, Code 2005, is amended to read as
52 18 follows:

52 19 669.13 LIMITATION OF ACTIONS.

52 20 1. ~~Every~~ A claim ~~and~~ or suit ~~otherwise~~ permitted under
52 21 this chapter shall be forever barred, unless within two years
52 22 after ~~such~~ the claim accrued, the claim is made in writing ~~to~~
52 23 ~~and filed with the state appeal board director of the~~
52 24 ~~department of management~~ under this chapter. The time to
52 25 begin a suit under this chapter shall be extended for a period
52 26 of six months from the date of mailing of notice to the
52 27 claimant by the ~~state appeal board attorney general~~ as to the
52 28 final disposition of the claim or from the date of withdrawal
52 29 of the claim ~~from the state appeal board~~ under section 669.5,
52 30 if the time to begin suit would otherwise expire before the
52 31 end of ~~such~~ the period.

52 32 2. If a claim is made or filed under any other law of this
52 33 state and a determination is made by a state agency or court
52 34 that this chapter provides the exclusive remedy for the claim,
52 35 the ~~time two-year period authorized in subsection 1~~ to make a
53 1 claim and to begin a suit under this chapter shall be extended
53 2 for a period of six months from the date of the court order
53 3 making such determination or the date of mailing of notice to
53 4 the claimant of such determination by a state agency, if the
53 5 time to make the claim and to begin the suit under this
53 6 chapter would otherwise expire before the end of ~~such~~ the ~~two=~~
53 7 ~~year~~ period. The time to begin a suit under this chapter may
53 8 be further extended as provided in ~~the preceding paragraph~~
53 9 ~~subsection 1.~~

53 10 3. This section is the only statute of limitations

53 11 applicable to claims as defined in this chapter.

53 12 Sec. 109. Section 669.15, Code 2005, is amended to read as

53 13 follows:

53 14 669.15 ~~ATTORNEY'S ATTORNEY FEES AND EXPENSES.~~

53 15 The court rendering a judgment for ~~the a~~ claimant under
53 16 this chapter, ~~or the state appeal board, with the advice and~~
53 17 ~~approval of the attorney general, making an award under~~
53 18 ~~section 669.3, or the attorney general making an award under~~
53 19 ~~section 669.9, as the case may be, shall, as a part of the~~
53 20 judgment or award, determine and allow reasonable ~~attorney's~~
53 21 ~~attorney fees and expenses, to.~~ The attorney fees and
53 22 expenses shall be paid out of but not in addition to the
53 23 amount of judgment or award recovered, to the attorneys
53 24 representing the claimant. Any attorney who charges, demands,
53 25 receives, or collects for services rendered in connection with
53 26 such claim any amount in excess of that allowed under this
53 27 section, if recovery be had, shall be guilty of a serious
53 28 misdemeanor.

53 29 Sec. 110. Section 669.18, Code 2005, is amended to read as

53 30 follows:

53 31 669.18 EXTENSION OF TIME.

53 32 If a claim is made or a suit is begun under this chapter,
53 33 and if a determination is made by the ~~state appeal board~~
53 34 attorney general or by the court that the claim or suit is not
53 35 permitted under this chapter for any reason other than lapse
54 1 of time, the time to make a claim or to begin a suit under any
54 2 other applicable law of this state shall be extended for a
54 3 period of six months from the date of the court order making
54 4 such determination or the date of mailing of notice to the
54 5 claimant of such determination by the ~~state appeal board~~
54 6 attorney general, if the time to make the claim or begin the
54 7 suit under such other law would otherwise expire before the
54 8 end of such period.

54 9 Sec. 111. Section 669.19, Code 2005, is amended to read as

54 10 follows:

54 11 669.19 ~~INVESTIGATION OF CLAIMS BEFORE APPEAL BOARD.~~

54 12 ~~Chapter 25 does not apply to claims as defined in this~~
54 13 ~~chapter. However, any or all of the provisions of sections~~
54 14 ~~25.1, 25.4, and 25.5 may be made applicable to claims as~~
54 15 ~~defined in this chapter by agreement between the attorney~~
54 16 ~~general and the state appeal board from time to time. The~~
54 17 attorney general shall fully investigate each claim under this
54 18 chapter and may exercise the authority provided in section
54 19 25.5 in performing the investigation.

54 20 Sec. 112. Section 669.20, Code 2005, is amended to read as

54 21 follows:

54 22 669.20 LIABILITY INSURANCE.

54 23 ~~Whenever~~ If a claim or suit against the state is covered by
54 24 liability insurance, the provisions of the liability insurance
54 25 policy on defense and settlement shall be applicable
54 26 notwithstanding any inconsistent provisions of this chapter.
54 27 The attorney general ~~and the state appeal board shall co-~~
54 28 ~~operate~~ cooperate with the insurance company.

54 29 Sec. 113. Section 669.21, Code 2005, is amended to read as

54 30 follows:

54 31 669.21 EMPLOYEES DEFENDED AND INDEMNIFIED.

54 32 1. The Except as otherwise provided in subsection 2, the
54 33 state shall defend any employee, and shall indemnify and hold
54 34 harmless an employee against any claim as defined in section
54 35 669.2, subsection 3, paragraph "b", including claims arising
55 1 under the Constitution, statutes, or rules of the United
55 2 States or of any state.

55 3 2. a. The duty to indemnify and hold harmless shall not
55 4 apply and the state shall be entitled to restitution from an
55 5 employee if the employee fails to cooperate in the
55 6 investigation or defense of the claim, as defined in this
55 7 section, or if, in an action commenced by the state against
55 8 the employee, it is determined that the conduct of the
55 9 employee upon which a tort claim or demand was based
55 10 constituted a willful and wanton act or omission or
55 11 malfeasance in office.

55 12 b. The duty to indemnify and hold harmless shall not apply
55 13 if, in a suit commenced against the employee, the state has
55 14 been substituted as the defendant in place of the employee, as
55 15 provided in section 669.5.

55 16 DIVISION VII

55 17 CORRECTIVE PROVISIONS

55 18 Sec. 114. Section 8A.204, subsection 3, paragraph g,
55 19 subparagraph (4), unnumbered paragraph 2, as enacted by 2006
55 20 Iowa Acts, House File 2705, section 1, is amended to read as
55 21 follows:

55 22 The board shall keep detailed minutes of all discussion,
55 23 persons present, and action occurring at a closed session, and
55 24 shall also tape record all of the closed session. The minutes
55 25 and the tape recording of a session closed under this
55 26 subparagraph shall be made available for public examination
55 27 when a final decision is made regarding whether to issue the
55 28 request for proposals. All board actions and decisions
55 29 regarding this information shall be made in open ~~meetings~~
55 30 session and appropriately recorded.

55 31 Sec. 115. Section 35A.14, subsection 3, if enacted by 2006
55 32 Iowa Acts, Senate File 2312, section 1, is amended to read as
55 33 follows:

55 34 3. The department may receive and accept donations,
55 35 grants, gifts, and contributions from any public or private
56 1 source for the purpose of providing grants under this section.
56 2 Moneys received by the department pursuant to this subsection
56 3 shall be deposited in an injured veterans trust fund which
56 4 shall be created in the state treasury under the control of
56 5 the department. Moneys credited to the trust fund ~~shall be~~
56 6 are appropriated to the department for the purpose of
56 7 providing injured veterans grants under this section and shall
56 8 not be transferred, used, obligated, appropriated, or
56 9 otherwise encumbered, except as provided in this section.
56 10 Notwithstanding section 12C.7, subsection 2, interest or
56 11 earnings on moneys in the trust fund shall be credited to the
56 12 trust fund.

56 13 Sec. 116. Section 70A.23, subsection 3, paragraph a, as
56 14 enacted by 2006 Iowa Acts, Senate File 2231, is amended to
56 15 read as follows:

56 16 a. An eligible state employee, excluding an employee
56 17 covered under a collective bargaining agreement which provides
56 18 otherwise or an employee of the state board of regents, who
56 19 retires and receives a payment as provided in subsection 2
56 20 shall be entitled to elect to have the employee's available
56 21 remaining value of sick leave ~~to be~~ used to pay the state
56 22 share for the employee's continuation of state group health
56 23 insurance coverage pursuant to the requirements of this
56 24 subsection.

56 25 Sec. 117. Section 91.4, subsection 9, Code 2005, as
56 26 amended by 2006 Iowa Acts, House File 2586, section 1, if
56 27 enacted, is amended to read as follows:

56 28 9. The commissioner may establish rules pursuant to
56 29 chapter 17A to assess and collect interest on fees, penalties,
56 30 and other amounts due the division. The commissioner may
56 31 delay ~~or~~ following written notice, deny the issuance of a
56 32 license, commission, registration, certificate, or permit
56 33 authorized under chapter 88A, 89, 89A, 90A, 91C, or 94A if the
56 34 applicant for the license, commission, registration,
56 35 certificate, or permit owes a liquidated debt to the
57 1 commissioner.

57 2 Sec. 118. Section 123.3, subsection 37, as amended by 2006
57 3 Iowa Acts, Senate File 2305, section 1, is amended to read as
57 4 follows:

57 5 37. "Wine" means any beverage containing more than five
57 6 percent of alcohol by weight but not more than seventeen
57 7 percent of alcohol by weight or twenty-one and twenty-five
57 8 hundredths percent of alcohol by volume obtained by the
57 9 fermentation of the natural sugar contents of fruits or other
57 10 agricultural products but excluding any product containing
57 11 alcohol derived from malt or by the distillation process from
57 12 grain, cereal, molasses, or cactus.

57 13 Sec. 119. Section 124.506A, subsection 1, as enacted by
57 14 2006 Iowa Acts, House File 2696, section 1, is amended to read
57 15 as follows:

57 16 1. Notwithstanding the provisions of section 124.506, if
57 17 more than ten pounds of marijuana or more than one pound of
57 18 any other controlled substance is seized ~~in~~ as a result of a
57 19 violation of this chapter, the law enforcement agency
57 20 responsible for retaining the seized controlled substance may
57 21 destroy the seized controlled substance if the law enforcement
57 22 agency retains at least ten pounds of the marijuana seized or
57 23 at least one pound of any other controlled substance seized
57 24 for evidence purposes.

57 25 Sec. 120. Section 266.27, Code 2005, as amended by 2006
57 26 Iowa Acts, Senate File 2253, section 34, is amended to read as
57 27 follows:

57 28 266.27 ACT ACCEPTED.

57 29 The assent of the general assembly of the state of Iowa is
57 30 hereby given to the provisions and requirements of the Smith=
57 31 Lever Act, 38 Stat. 372=374, approved May ~~18~~ 8, 1914, and any
57 32 amendments to that Act, codified at 7 U.S.C. } 341 == 349.

57 33 Sec. 121. Section 331.756, subsection 44, Code Supplement
57 34 2005, is amended by striking the subsection.

57 35 Sec. 122. Section 455G.31, subsection 2, paragraph a, if
58 1 enacted by 2006 Iowa Acts, House File 2754, section 25, is
58 2 amended to read as follows:

58 3 a. For gasoline storage and dispensing infrastructure
58 4 other than the dispenser, the department of natural resources
58 5 under this chapter or the state fire marshal under chapter
58 6 101, ~~division II~~ must determine that it is compatible with E=
58 7 85 gasoline.

58 8 Sec. 123. Section 541A.3, subsection 1, unnumbered
58 9 paragraph 1, Code 2005, as amended by 2006 Iowa Acts, House
58 10 File 2644, section 5, is amended to read as follows:

58 11 Payment by the state of a savings refund on amounts of up
58 12 to two thousand dollars per calendar year that an account
58 13 holder deposits in the account holder's account. Moneys
58 14 transferred to an individual development account from another
58 15 individual development account and a savings refund received
58 16 by the account holder in accordance with this section ~~541A.3~~
58 17 shall not be considered an account holder deposit for purposes
58 18 of determining a savings refund. Payment of a savings refund
58 19 either shall be made directly to the account holder or to an
58 20 operating organization's central reserve account for later
58 21 distribution to the account holder in the most appropriate
58 22 manner as determined by the administrator. The state savings
58 23 refund shall be the indicated percentage of the amount
58 24 deposited:

58 25 Sec. 124. Section 602.8102, subsection 38, Code Supplement
58 26 2005, is amended by striking the subsection.

58 27 Sec. 125. 2006 Iowa Acts, House File 2238, section 2,
58 28 subsection 1, paragraph d, is amended to read as follows:

58 29 d. Of the amount allocated to eligible services providers
58 30 under paragraph "c", 70 percent shall be distributed to the
58 31 state's accredited community mental health centers established
58 32 or designated by counties in accordance with law or
58 33 administrative rule. If a county has not established or
58 34 designated a community mental health center and has received a
58 35 waiver from the mental health and, mental retardation,
59 1 developmental disabilities, and brain injury commission, the
59 2 mental health services provider designated by that county is
59 3 eligible to receive funding distributed pursuant to this
59 4 paragraph in lieu of a community mental health center. The
59 5 funding distributed shall be used by recipients of the funding
59 6 for the purpose of developing and providing evidence-based
59 7 practices and emergency services to adults with a serious
59 8 mental illness and children with a serious emotional
59 9 disturbance. The distribution amounts shall be announced at
59 10 the beginning of the federal fiscal year and distributed on a
59 11 quarterly basis according to the formulas used in previous
59 12 fiscal years. Recipients shall submit quarterly reports
59 13 containing data consistent with the performance measures
59 14 approved by the federal substance abuse and mental health
59 15 services administration.

59 16 Sec. 126. CONTINGENT REPEAL == IPERS. The section of 2006
59 17 Iowa Acts, House File 2245, amending section 97B.1A,
59 18 subsection 24, paragraph "c", is repealed if the section of
59 19 2006 Iowa Acts, House File 729, amending section 97B.1A,
59 20 subsection 24, paragraph "c", is enacted.

59 21 Sec. 127. 2006 Iowa Acts, House File 2713, as enacted, is
59 22 amended by adding the following new section:

59 23 SEC. 23A. Section 256F.4, subsection 8, Code 2005, is
59 24 amended to read as follows:

59 25 8. A charter school may enter into contracts in accordance
59 26 with chapter ~~73A~~ 38.

59 27 Sec. 128. COLLABORATIVE EDUCATIONAL FACILITY == CODE
59 28 EDITOR DIRECTIVE. The Code editor shall codify the provisions
59 29 of 2006 Iowa Acts, House File 864, notwithstanding that the
59 30 Act was drafted to the Code 2005 rather than to the Code
59 31 Supplement 2005. The provisional numbering in that Act in
59 32 section 423.3 of new subsection 85 and in section 423.4 of new
59 33 subsection 4 used subsection numbers that were not assigned in
59 34 the Code 2005 and their use in that Act does not imply that
59 35 the subsections in sections 423.3 and 423.4, Code Supplement
60 1 2005, with those same subsection numbers, are in any way
60 2 affected. In addition, the Code editor, under the authority
60 3 of section 2B.13 relating to the correction of internal
60 4 references to sections which have been repealed, shall insert
60 5 before the references to chapter 504A in sections 2 and 3 of
60 6 that Act the words "former chapter".

60 7 HF 2797

60 8 mg:jp/es/25

