

# Senate File 601 - Reprinted

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 2904SC)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to state and local finances by providing for  
2 funding of property tax credits and reimbursements, by making,  
3 increasing and reducing appropriations, providing for salaries  
4 and compensation of state employees, providing for tax  
5 credits, providing for fees and penalties, and providing for  
6 properly related matters, and including effective date  
7 provisions.  
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
9 SF 601  
10 mg/cc/26

PAG LIN

1 1 DIVISION I  
1 2 MH/MR/DD/BI SERVICES ALLOWED  
1 3 GROWTH FUNDING == FY 2008=2009  
1 4 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION,  
1 5 DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY ALLOWED GROWTH  
1 6 APPROPRIATION AND ALLOCATIONS == FISCAL YEAR 2008=2009.  
1 7 1. There is appropriated from the general fund of the  
1 8 state to the department of human services for the fiscal year  
1 9 beginning July 1, 2008, and ending June 30, 2009, the  
1 10 following amount, or so much thereof as is necessary, to be  
1 11 used for the purpose designated:  
1 12 For distribution to counties of the county mental health,  
1 13 mental retardation, and developmental disabilities allowed  
1 14 growth factor adjustment for fiscal year 2008=2009, and for  
1 15 the brain injury services program in the department of public  
1 16 health:  
1 17 ..... \$ 64,600,002  
1 18 2. The amount appropriated in this section shall be  
1 19 allocated as provided in a later enactment of the general  
1 20 assembly.

1 21 DIVISION II  
1 22 STANDING APPROPRIATIONS  
1 23 AND RELATED MATTERS  
1 24 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2008=2009.  
1 25 1. For the budget process applicable to the fiscal year  
1 26 beginning July 1, 2008, on or before October 1, 2007, in lieu  
1 27 of the information specified in section 8.23, subsection 1,  
1 28 unnumbered paragraph 1, and paragraph "a", all departments and  
1 29 establishments of the government shall transmit to the  
1 30 director of the department of management, on blanks to be  
1 31 furnished by the director, estimates of their expenditure  
1 32 requirements, including every proposed expenditure, for the  
1 33 ensuing fiscal year, together with supporting data and  
1 34 explanations as called for by the director of the department  
1 35 of management after consultation with the legislative services  
2 1 agency.  
2 2 2. The estimates of expenditure requirements shall be in a  
2 3 form specified by the director of the department of  
2 4 management, and the expenditure requirements shall include all  
2 5 proposed expenditures and shall be prioritized by program or  
2 6 the results to be achieved. The estimates shall be  
2 7 accompanied by performance measures for evaluating the  
2 8 effectiveness of the programs or results.  
2 9 Sec. 3. GENERAL ASSEMBLY == BUILDING SECURITY. Of the  
2 10 appropriations made pursuant to section 2.12 for the expenses  
2 11 of the general assembly and legislative agencies for the  
2 12 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
2 13 \$775,000 shall be used for capitol building and judicial

2 14 building security.  
 2 15 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.  
 2 16 Notwithstanding the standing appropriations in the following  
 2 17 designated sections for the fiscal year beginning July 1,  
 2 18 2007, and ending June 30, 2008, the amounts appropriated from  
 2 19 the general fund of the state pursuant to these sections for  
 2 20 the following designated purposes shall not exceed the  
 2 21 following amounts:  
 2 22 1. For instructional support state aid under section  
 2 23 257.20:  
 2 24 ..... \$ 14,428,271  
 2 25 2. For payment for nonpublic school transportation under  
 2 26 section 285.2:  
 2 27 ..... \$ 8,604,714  
 2 28 If total approved claims for reimbursement for nonpublic  
 2 29 school pupil transportation claims exceed the amount  
 2 30 appropriated in this section, the department of education  
 2 31 shall prorate the amount of each claim.  
 2 32 3. For the educational excellence program under section  
 2 33 294A.25, subsection 1:  
 2 34 ..... \$ 55,469,053  
 2 35 4. For the state's share of the cost of the peace  
 3 1 officers' retirement benefits under section 411.20:  
 3 2 ..... \$ 2,745,784  
 3 3 Sec. 5. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF  
 3 4 GENERAL FUND REIMBURSEMENT.  
 3 5 1. a. Notwithstanding section 8.57, prior to the  
 3 6 appropriation and distribution to the senior living trust fund  
 3 7 and the cash reserve fund of the surplus existing in the  
 3 8 general fund of the state at the conclusion of the fiscal year  
 3 9 beginning July 1, 2006, and ending June 30, 2007, pursuant to  
 3 10 section 8.57, subsections 1 and 2, of that surplus,  
 3 11 \$157,868,964 is appropriated to the property tax credit fund  
 3 12 which shall be created in the office of the treasurer of state  
 3 13 to be used for the purposes of this section.  
 3 14 b. Notwithstanding any provision in section 8.57 to the  
 3 15 contrary in determining the amount of the appropriation to the  
 3 16 senior living trust fund pursuant to section 8.57, subsection  
 3 17 2, paragraph "a", the surplus for the fiscal year beginning  
 3 18 July 1, 2006, shall not include the amount appropriated to the  
 3 19 property tax credit fund pursuant to paragraph "a" of this  
 3 20 subsection.  
 3 21 c. There is appropriated from the general fund of the  
 3 22 state to the property tax credit fund created in paragraph "a"  
 3 23 for the fiscal year beginning July 1, 2007, and ending June  
 3 24 30, 2008, the sum of \$2,000,000.  
 3 25 2. Notwithstanding the amount of the standing  
 3 26 appropriation from the general fund of the state in the  
 3 27 following designated sections and notwithstanding any  
 3 28 conflicting provisions or voting requirements of section 8.56,  
 3 29 there is appropriated from the property tax credit fund in  
 3 30 lieu of the appropriations in the following designated  
 3 31 sections for the fiscal year beginning July 1, 2007, and  
 3 32 ending June 30, 2008, the following amounts for the following  
 3 33 designated purposes:  
 3 34 a. For reimbursement for the homestead property tax credit  
 3 35 under section 425.1:  
 4 1 ..... \$102,658,781  
 4 2 b. For reimbursement for the agricultural land and family  
 4 3 farm tax credits under sections 425A.1 and 426.1:  
 4 4 ..... \$ 34,610,183  
 4 5 c. For reimbursement for the military service tax credit  
 4 6 under section 426A.1A:  
 4 7 ..... \$ 2,800,000  
 4 8 d. For implementing the elderly and disabled tax credit  
 4 9 and reimbursement pursuant to sections 425.16 through 425.40:  
 4 10 ..... \$ 19,800,000  
 4 11 If the director of revenue determines that the amount of  
 4 12 claims for credit for property taxes due pursuant to  
 4 13 paragraphs "a", "b", "c", and "d" plus the amount of claims  
 4 14 for reimbursement for rent constituting property taxes paid  
 4 15 which are to be paid during the fiscal year may exceed the  
 4 16 total amount appropriated, the director shall estimate the  
 4 17 percentage of the credits and reimbursements which will be  
 4 18 funded by the appropriation. The county treasurer shall  
 4 19 notify the director of the amount of property tax credits  
 4 20 claimed by June 8, 2007. The director shall estimate the  
 4 21 percentage of the property tax credits and rent reimbursement  
 4 22 claims that will be funded by the appropriation and notify the  
 4 23 county treasurer of the percentage estimate by June 15, 2007.  
 4 24 The estimated percentage shall be used in computing for each

4 25 claim the amount of property tax credit and reimbursement for  
4 26 rent constituting property taxes paid for that fiscal year.  
4 27 If the director overestimates the percentage of funding,  
4 28 claims for reimbursement for rent constituting property taxes  
4 29 paid shall be paid until they can no longer be paid at the  
4 30 estimated percentage of funding. Rent reimbursement claims  
4 31 filed after that point in time shall receive priority and  
4 32 shall be paid in the following fiscal year.

4 33 3. Notwithstanding any other provision, if the  
4 34 Eighty-second General Assembly, 2007 Session, enacts  
4 35 legislation that also provides for the appropriation of the  
5 1 surplus or any part of the surplus existing in the general  
5 2 fund of the state at the conclusion of the fiscal year  
5 3 beginning July 1, 2006, and ending June 30, 2007, the moneys  
5 4 appropriated from such surplus pursuant to subsection 1 shall  
5 5 have priority over all other such appropriations.

5 6 Sec. 6. CASH RESERVE APPROPRIATION FOR FY 2007=2008. For  
5 7 the fiscal year beginning July 1, 2007, and ending June 30,  
5 8 2008, the appropriation to the cash reserve fund provided in  
5 9 section 8.57, subsection 1, paragraph "a", shall not be made.

5 10 Sec. 7. Section 8.57A, subsection 4, Code 2007, is amended  
5 11 to read as follows:

5 12 4. There is appropriated from the rebuild Iowa  
5 13 infrastructure fund for the fiscal year beginning July 1, ~~2000~~  
5 14 2007, and for each fiscal year thereafter, the sum of  
5 15 ~~thirty-five~~ forty million dollars to the environment first  
5 16 fund, notwithstanding section 8.57, subsection 6, paragraph  
5 17 "c".

5 18 Sec. 8. Section 257.35, subsection 4, Code 2007, is  
5 19 amended to read as follows:

5 20 4. Notwithstanding subsection 1, and in addition to the  
5 21 reduction applicable pursuant to subsection 2, the state aid  
5 22 for area education agencies and the portion of the combined  
5 23 district cost calculated for these agencies for the fiscal  
5 24 year beginning July 1, ~~2006~~ 2007, shall be reduced by the  
5 25 department of management by ~~eight~~ five million ~~two hundred~~  
5 26 fifty thousand dollars. The reduction for each area education  
5 27 agency shall be prorated based on the reduction that the  
5 28 agency received in the fiscal year beginning July 1, 2003.

5 29 Sec. 9. AREA EDUCATION AGENCY PAYMENTS. It is the intent  
5 30 of the general assembly that for the fiscal year beginning  
5 31 July 1, 2008, any reduction in state aid to area education  
5 32 agencies and the combined district cost calculated for those  
5 33 agencies over the reduction applicable pursuant to section  
5 34 257.35, subsection 2, shall not exceed \$2.5 million and that  
5 35 for the fiscal year beginning July 1, 2009, there shall be no  
6 1 such additional reduction.

6 2 Sec. 10. EFFECTIVE DATE. The section of this division of  
6 3 this Act creating the property tax credit fund, being deemed  
6 4 of immediate importance, takes effect upon enactment.

#### 6 5 DIVISION III

#### 6 6 SALARIES, COMPENSATION, AND RELATED MATTERS

6 7 Sec. 11. STATE COURTS == JUSTICES, JUDGES, AND  
6 8 MAGISTRATES.

6 9 1. The salary rates specified in subsection 2 are for the  
6 10 fiscal year beginning July 1, 2007, effective for the pay  
6 11 period beginning June 29, 2007, and for subsequent fiscal  
6 12 years until otherwise provided by the general assembly. The  
6 13 salaries provided for in this section shall be paid from funds  
6 14 appropriated to the judicial branch from the salary adjustment  
6 15 fund or if the appropriation is not sufficient, from funds  
6 16 appropriated to the judicial branch pursuant to any Act of the  
6 17 general assembly.

6 18 2. The following annual salary rates shall be paid to the  
6 19 persons holding the judicial positions indicated during the  
6 20 fiscal year beginning July 1, 2007, effective with the pay  
6 21 period beginning June 29, 2007, and for subsequent pay  
6 22 periods.

6 23 a. Chief justice of the supreme court:	
6 24 .....	\$ 167,500
6 25 b. Each justice of the supreme court:	
6 26 .....	\$ 160,000
6 27 c. Chief judge of the court of appeals:	
6 28 .....	\$ 150,000
6 29 d. Each associate judge of the court of appeals:	
6 30 .....	\$ 145,000
6 31 e. Each chief judge of a judicial district:	
6 32 .....	\$ 140,000
6 33 f. Each district judge except the chief judge of a	
6 34 judicial district:	
6 35 .....	\$ 135,000

7 1 g. Each district associate judge:  
 7 2 ..... \$ 120,000  
 7 3 h. Each associate juvenile judge:  
 7 4 ..... \$ 120,000  
 7 5 i. Each associate probate judge:  
 7 6 ..... \$ 120,000  
 7 7 j. Each judicial magistrate:  
 7 8 ..... \$ 37,000  
 7 9 k. Each senior judge:  
 7 10 ..... \$ 8,000

7 11 3. Persons receiving the salary rates established under  
 7 12 this section shall not receive any additional salary  
 7 13 adjustments provided by this division of this Act.

7 14 Sec. 12. APPOINTED STATE OFFICERS. The governor shall  
 7 15 establish a salary for appointed nonelected persons in the  
 7 16 executive branch of state government holding a position  
 7 17 enumerated in the section of this division of this Act that  
 7 18 addresses the salary ranges of state officers within the range  
 7 19 provided, by considering, among other items, the experience of  
 7 20 the individual in the position, changes in the duties of the  
 7 21 position, the incumbent's performance of assigned duties, and  
 7 22 subordinates' salaries. However, the attorney general shall  
 7 23 establish the salary for the consumer advocate, the chief  
 7 24 justice of the supreme court shall establish the salary for  
 7 25 the state court administrator, the ethics and campaign  
 7 26 disclosure board shall establish the salary of the executive  
 7 27 director, the Iowa public broadcasting board shall establish  
 7 28 the salary of the administrator of the public broadcasting  
 7 29 division of the department of education, and the state fair  
 7 30 board shall establish the salary of the secretary of the state  
 7 31 fair board, each within the salary range provided in the  
 7 32 section of this division of this Act that addresses the salary  
 7 33 ranges of state officers.

7 34 The governor, in establishing salaries as provided in the  
 7 35 section of this division of this Act that addresses the salary  
 8 1 ranges of state officers, shall take into consideration other  
 8 2 employee benefits which may be provided for an individual  
 8 3 including but not limited to housing.

8 4 A person whose salary is established pursuant to the  
 8 5 section of this division of this Act that addresses the salary  
 8 6 ranges of state officers and who is a full-time, year-round  
 8 7 employee of the state shall not receive any other remuneration  
 8 8 from the state or from any other source for the performance of  
 8 9 that person's duties unless the additional remuneration is  
 8 10 first approved by the governor or authorized by law. However,  
 8 11 this provision does not exclude the reimbursement for  
 8 12 necessary travel and expenses incurred in the performance of  
 8 13 duties or fringe benefits normally provided to employees of  
 8 14 the state.

8 15 Sec. 13. STATE OFFICERS == SALARY RANGE. The following  
 8 16 annual salary ranges are effective for the positions specified  
 8 17 in this section for the fiscal year beginning July 1, 2007,  
 8 18 and for subsequent fiscal years until otherwise provided by  
 8 19 the general assembly. The governor or other person designated  
 8 20 in the section of this division of this Act relating to  
 8 21 appointed state officers shall determine the salary to be paid  
 8 22 to the person indicated at a rate within this salary range  
 8 23 from funds appropriated by the general assembly for that  
 8 24 purpose.

8 25 1. The following are salary ranges for appointed state  
 8 26 officers for the fiscal year beginning July 1, 2007, effective  
 8 27 with the pay period beginning June 29, 2007:

8 28 SALARY RANGE	8 28 <u>Minimum</u>	8 28 <u>Maximum</u>
8 29 a. Range 1 .....	8 29 \$ 9,069	8 29 \$ 35,464
8 30 b. Range 2 .....	8 30 \$46,758	8 30 \$ 71,552
8 31 c. Range 3 .....	8 31 \$53,768	8 31 \$ 82,285
8 32 d. Range 4 .....	8 32 \$61,838	8 32 \$ 94,619
8 33 e. Range 5 .....	8 33 \$71,115	8 33 \$108,805
8 34 f. Range 6 .....	8 34 \$81,786	8 34 \$125,133
8 35 g. Range 7 .....	8 35 \$97,906	8 35 \$149,802

9 1 2. The following are range 1 positions: there are no  
 9 2 range 1 positions for the fiscal year beginning July 1, 2007.

9 3 3. The following are range 2 positions: administrator of  
 9 4 the arts division of the department of cultural affairs,  
 9 5 administrators of the division of persons with disabilities,  
 9 6 the division on the status of women, the division on the  
 9 7 status of Iowans of Asian and Pacific Islander heritage, the  
 9 8 division on the status of African-Americans, the division of  
 9 9 deaf services, and the division of Latino affairs of the  
 9 10 department of human rights.

9 11 4. The following are range 3 positions: administrator of

9 12 the division of criminal and juvenile justice planning of the  
9 13 department of human rights, administrator of the division of  
9 14 community action agencies of the department of human rights,  
9 15 executive director of the department of veterans affairs, and  
9 16 chairperson and members of the employment appeal board of the  
9 17 department of inspections and appeals.

9 18 5. The following are range 4 positions: director of the  
9 19 department of human rights, director of the Iowa state civil  
9 20 rights commission, executive director of the college student  
9 21 aid commission, director of the department for the blind,  
9 22 executive director of the ethics and campaign disclosure  
9 23 board, members of the public employment relations board, and  
9 24 chairperson, vice chairperson, and members of the board of  
9 25 parole.

9 26 6. The following are range 5 positions: administrator of  
9 27 the division of homeland security and emergency management of  
9 28 the department of public defense, state public defender, drug  
9 29 policy coordinator, labor commissioner, workers' compensation  
9 30 commissioner, director of the department of cultural affairs,  
9 31 director of the department of elder affairs, director of the  
9 32 law enforcement academy, and administrator of the historical  
9 33 division of the department of cultural affairs.

9 34 7. The following are range 6 positions: director of the  
9 35 Iowa energy independence office, superintendent of banking,  
10 1 superintendent of credit unions, administrator of the  
10 2 alcoholic beverages division of the department of commerce,  
10 3 director of the department of inspections and appeals,  
10 4 commandant of the Iowa veterans home, commissioner of public  
10 5 safety, commissioner of insurance, executive director of the  
10 6 Iowa finance authority, director of the department of natural  
10 7 resources, consumer advocate, and chairperson of the utilities  
10 8 board. The other members of the utilities board shall receive  
10 9 an annual salary within a range of not less than 90 percent  
10 10 but not more than 95 percent of the annual salary of the  
10 11 chairperson of the utilities board.

10 12 8. The following are range 7 positions: administrator of  
10 13 the public broadcasting division of the department of  
10 14 education, director of the department of corrections, director  
10 15 of the department of education, director of human services,  
10 16 director of the department of economic development, executive  
10 17 director of the Iowa telecommunications and technology  
10 18 commission, executive director of the state board of regents,  
10 19 director of transportation, director of the department of  
10 20 workforce development, director of revenue, director of public  
10 21 health, state court administrator, secretary of the Iowa state  
10 22 fair board, director of the department of management, and  
10 23 director of the department of administrative services.

10 24 Sec. 14. COLLECTIVE BARGAINING AGREEMENTS FUNDED ==  
10 25 GENERAL FUND. There is appropriated from the general fund of  
10 26 the state to the salary adjustment fund for distribution by  
10 27 the department of management to the various state departments,  
10 28 boards, commissions, councils, and agencies, including the  
10 29 state board of regents and the judicial branch, for the fiscal  
10 30 year beginning July 1, 2007, and ending June 30, 2008, the  
10 31 amount of \$108,598,094, or so much thereof as may be  
10 32 necessary, to fully fund annual pay adjustments, expense  
10 33 reimbursements, and related benefits implemented pursuant to  
10 34 the following:

10 35 1. The collective bargaining agreement negotiated pursuant  
11 1 to chapter 20 for employees in the blue collar bargaining  
11 2 unit.

11 3 2. The collective bargaining agreement negotiated pursuant  
11 4 to chapter 20 for employees in the public safety bargaining  
11 5 unit.

11 6 3. The collective bargaining agreement negotiated pursuant  
11 7 to chapter 20 for employees in the security bargaining unit.

11 8 4. The collective bargaining agreement negotiated pursuant  
11 9 to chapter 20 for employees in the technical bargaining unit.

11 10 5. The collective bargaining agreement negotiated pursuant  
11 11 to chapter 20 for employees in the professional fiscal and  
11 12 staff bargaining unit.

11 13 6. The collective bargaining agreement negotiated pursuant  
11 14 to chapter 20 for employees in the clerical bargaining unit.

11 15 7. The collective bargaining agreement negotiated pursuant  
11 16 to chapter 20 for employees in the professional social  
11 17 services bargaining unit.

11 18 8. The collective bargaining agreement negotiated pursuant  
11 19 to chapter 20 for employees in the community-based corrections  
11 20 bargaining unit.

11 21 9. The collective bargaining agreements negotiated  
11 22 pursuant to chapter 20 for employees in the judicial branch of

11 23 government bargaining units.  
11 24 10. The collective bargaining agreement negotiated  
11 25 pursuant to chapter 20 for employees in the patient care  
11 26 bargaining unit.  
11 27 11. The collective bargaining agreement negotiated  
11 28 pursuant to chapter 20 for employees in the science bargaining  
11 29 unit.  
11 30 12. The collective bargaining agreement negotiated  
11 31 pursuant to chapter 20 for employees in the university of  
11 32 northern Iowa faculty bargaining unit.  
11 33 13. The collective bargaining agreement negotiated  
11 34 pursuant to chapter 20 for employees in the state university  
11 35 of Iowa graduate student bargaining unit.  
12 1 14. The collective bargaining agreement negotiated  
12 2 pursuant to chapter 20 for employees in the state university  
12 3 of Iowa hospital and clinics tertiary health care bargaining  
12 4 unit.  
12 5 15. The annual pay adjustments, related benefits, and  
12 6 expense reimbursements referred to in the sections of this  
12 7 division of this Act addressing noncontract state and board of  
12 8 regents employees who are not covered by a collective  
12 9 bargaining agreement.  
12 10 Of the amount appropriated in this section, \$8,171,248  
12 11 shall be allocated to the judicial branch for the purposes of  
12 12 funding annual pay adjustments, expense reimbursements, and  
12 13 related benefits implemented for judicial branch employees.  
12 14 Sec. 15. NONCONTRACT STATE EMPLOYEES == GENERAL.  
12 15 1. a. For the fiscal year beginning July 1, 2007, the  
12 16 maximum and minimum salary levels of all pay plans provided  
12 17 for in section 8A.413, subsection 2, as they exist for the  
12 18 fiscal year ending June 30, 2007, shall be increased by 3  
12 19 percent for the pay period beginning June 29, 2007, and any  
12 20 additional changes in the pay plans shall be approved by the  
12 21 governor.  
12 22 b. For the fiscal year beginning July 1, 2007, employees  
12 23 may receive a step increase or the equivalent of a step  
12 24 increase.  
12 25 c. Notwithstanding the increase in paragraph "a",  
12 26 noncontract judicial branch employees shall receive increases  
12 27 similar to those employees covered by collective bargaining  
12 28 agreements negotiated by the judicial branch.  
12 29 2. The pay plans for state employees who are exempt from  
12 30 chapter 8A, subchapter IV, and who are included in the  
12 31 department of administrative service's centralized payroll  
12 32 system shall be increased in the same manner as provided in  
12 33 subsection 1, and any additional changes in any executive  
12 34 branch pay plans shall be approved by the governor.  
12 35 3. This section does not apply to members of the general  
13 1 assembly, board members, commission members, salaries of  
13 2 persons set by the general assembly pursuant to this division  
13 3 of this Act or set by the governor, or other persons  
13 4 designated in the section of this division of this Act  
13 5 addressing appointed state officers, employees designated  
13 6 under section 8A.412, subsection 5, and employees covered by  
13 7 11 IAC 53.6(3).  
13 8 4. The pay plans for the bargaining eligible employees of  
13 9 the state shall be increased in the same manner as provided in  
13 10 subsection 1, and any additional changes in such executive  
13 11 branch pay plans shall be approved by the governor. As used  
13 12 in this section, "bargaining eligible employee" means an  
13 13 employee who is eligible to organize under chapter 20, but has  
13 14 not done so.  
13 15 5. The policies for implementation of this section shall  
13 16 be approved by the governor.  
13 17 Sec. 16. STATE EMPLOYEES == STATE BOARD OF REGENTS. Funds  
13 18 from the appropriation made from the general fund of the state  
13 19 in the section of this division of this Act providing for  
13 20 funding of collective bargaining agreements shall be allocated  
13 21 to the state board of regents for the purposes of providing  
13 22 increases for state board of regents employees covered by such  
13 23 section of this division of this Act and for state board of  
13 24 regents employees not covered by a collective bargaining  
13 25 agreement as follows:  
13 26 1. For regents merit system employees and merit  
13 27 supervisory employees to fund for the fiscal year increases  
13 28 comparable to those provided for similar contract-covered  
13 29 employees in this division of this Act.  
13 30 2. For faculty members and professional and scientific  
13 31 employees to fund for the fiscal year percentage increases  
13 32 comparable to those provided for contract-covered employees in  
13 33 the university of northern Iowa faculty bargaining unit.

13 34 Sec. 17. APPROPRIATIONS FROM ROAD FUNDS.  
13 35 1. There is appropriated from the road use tax fund to the  
14 1 salary adjustment fund for the fiscal year beginning July 1,  
14 2 2007, and ending June 30, 2008, the following amount, or so  
14 3 much thereof as may be necessary, to be used for the purpose  
14 4 designated:  
14 5 To supplement other funds appropriated by the general  
14 6 assembly:  
14 7 ..... \$ 2,294,814  
14 8 2. There is appropriated from the primary road fund to the  
14 9 salary adjustment fund, for the fiscal year beginning July 1,  
14 10 2007, and ending June 30, 2008, the following amount, or so  
14 11 much thereof as may be necessary, to be used for the purpose  
14 12 designated:  
14 13 To supplement other funds appropriated by the general  
14 14 assembly:  
14 15 ..... \$ 11,788,266  
14 16 3. Except as otherwise provided in this division of this  
14 17 Act, the amounts appropriated in subsections 1 and 2 shall be  
14 18 used to fund the annual pay adjustments, expense  
14 19 reimbursements, and related benefits for public employees as  
14 20 provided in this division of this Act.  
14 21 Sec. 18. SPECIAL FUNDS == AUTHORIZATION. To departmental  
14 22 revolving, trust, or special funds, except for the primary  
14 23 road fund or the road use tax fund, for which the general  
14 24 assembly has established an operating budget, a supplemental  
14 25 expenditure authorization is provided, unless otherwise  
14 26 provided, in an amount necessary to fund salary adjustments as  
14 27 otherwise provided in this division of this Act.  
14 28 Sec. 19. GENERAL FUND SALARY MONEYS. Funds appropriated  
14 29 from the general fund of the state for distribution from the  
14 30 salary adjustment fund in the section of this division of this  
14 31 Act providing for funding of collective bargaining agreements  
14 32 relate only to salaries supported from general fund  
14 33 appropriations of the state. Funds appropriated from the  
14 34 general fund of the state for employees of the state board of  
14 35 regents relate only to salaries supported from general fund  
15 1 appropriations of the state and shall exclude general  
15 2 university indirect costs and general university federal  
15 3 funds.  
15 4 Sec. 20. FEDERAL FUNDS APPROPRIATED. All federal grants  
15 5 to and the federal receipts of the agencies affected by this  
15 6 division of this Act which are received and may be expended  
15 7 for purposes of this division of this Act are appropriated for  
15 8 those purposes and as set forth in the federal grants or  
15 9 receipts.  
15 10 Sec. 21. STATE TROOPER MEAL ALLOWANCE. The sworn peace  
15 11 officers in the department of public safety who are not  
15 12 covered by a collective bargaining agreement negotiated  
15 13 pursuant to chapter 20 shall receive the same per diem meal  
15 14 allowance as the sworn peace officers in the department of  
15 15 public safety who are covered by a collective bargaining  
15 16 agreement negotiated pursuant to chapter 20.  
15 17 Sec. 22. STATE POLICE OFFICER COUNCIL BARGAINING UNIT ==  
15 18 OVERTIME. Of the funds appropriated from the general fund of  
15 19 the state in the section of this division of this Act  
15 20 providing for funding of collective bargaining agreements, the  
15 21 following amount, or so much thereof as is necessary, shall be  
15 22 allocated to the department of public safety, division of  
15 23 state patrol, to be used for the purpose designated:  
15 24 To provide for expenditures related to the payment of  
15 25 overtime for uniformed peace officers covered by a collective  
15 26 bargaining agreement:  
15 27 ..... \$ 750,000  
15 28 Sec. 23. SALARY MODEL ADMINISTRATOR. The salary model  
15 29 administrator shall work in conjunction with the legislative  
15 30 services agency to maintain the state's salary model used for  
15 31 analyzing, comparing, and projecting state employee salary and  
15 32 benefit information, including information relating to  
15 33 employees of the state board of regents. The department of  
15 34 revenue, the department of administrative services, the five  
15 35 institutions under the jurisdiction of the state board of  
16 1 regents, the judicial district departments of correctional  
16 2 services, and the state department of transportation shall  
16 3 provide salary data to the department of management and the  
16 4 legislative services agency to operate the state's salary  
16 5 model. The format and frequency of provision of the salary  
16 6 data shall be determined by the department of management and  
16 7 the legislative services agency. The information shall be  
16 8 used in collective bargaining processes under chapter 20 and  
16 9 in calculating the funding needs contained within the annual

16 10 salary adjustment legislation. A state employee organization  
16 11 as defined in section 20.3, subsection 4, may request  
16 12 information produced by the model, but the information  
16 13 provided shall not contain information attributable to  
16 14 individual employees.

16 15 Sec. 24. 2007 Iowa Acts, Senate File 563, section 2,  
16 16 subsection 1, unnumbered paragraph 2, if enacted, is amended  
16 17 to read as follows:

16 18 Notwithstanding section 602.9104, for the state's  
16 19 contribution to the judicial retirement fund in the amount of  
16 20 ~~22.5~~ 20.86 percent of the basic salaries of the judges covered  
16 21 under chapter 602, article 9:

16 22 ..... \$ ~~3,450,963~~  
16 23 3,050,963

16 24 Sec. 25. Section 20.5, subsection 3, Code 2007, is amended  
16 25 to read as follows:

16 26 3. In selecting the members of the board, consideration  
16 27 shall be given to their knowledge, ability, and experience in  
16 28 the field of labor-management relations. The chairperson and  
16 29 the remaining two members shall ~~each receive an annual salary~~  
~~16 30 as set by the general assembly~~ be compensated as provided in  
16 31 section 7E.6, subsection 5.

16 32 Sec. 26. Section 99D.6, Code 2007, is amended to read as  
16 33 follows:

16 34 99D.6 CHAIRPERSON == ADMINISTRATOR == EMPLOYEES == DUTIES  
16 35 == BOND.

17 1 The commission shall elect in July of each year one of its  
17 2 members as chairperson for the succeeding year. The  
17 3 commission shall appoint an administrator of the commission  
17 4 subject to confirmation by the senate. The administrator  
17 5 shall serve a four-year term. The term shall begin and end in  
17 6 the same manner as set forth in section 69.19. A vacancy  
17 7 shall be filled for the unexpired portion of the term in the  
17 8 same manner as a full-term appointment is made. The  
17 9 administrator may hire other assistants and employees as  
17 10 necessary to carry out the commission's duties. Employees in  
17 11 the positions of equine veterinarian, canine veterinarian, and  
17 12 equine steward shall be exempt from the merit system  
17 13 provisions of chapter 8A, subchapter IV, and shall not be  
17 14 covered by a collective bargaining agreement. Some or all of  
17 15 the information required of applicants in section 99D.8A,  
17 16 subsections 1 and 2, may also be required of employees of the  
17 17 commission if the commission deems it necessary. The  
17 18 administrator shall keep a record of the proceedings of the  
17 19 commission and preserve the books, records, and documents  
17 20 entrusted to the administrator's care. The administrator  
17 21 shall be covered by the blanket surety bond of the state  
17 22 purchased pursuant to section 8A.321, subsection 13. ~~Subject~~  
~~17 23 to the approval of the governor, the commission shall fix the~~  
~~17 24 compensation of the administrator within the salary range as~~  
~~17 25 set by the general assembly. The compensation and employment~~  
~~17 26 terms of the administrator shall be set by the governor,~~  
~~17 27 taking into consideration the level of knowledge and~~  
~~17 28 experience of the administrator.~~ The commission shall have  
17 29 its headquarters in the city of Des Moines and shall meet in  
17 30 July of each year and at other times and places as it finds  
17 31 necessary for the discharge of its duties.

17 32 Sec. 27. Section 421.1A, subsection 6, Code 2007, is  
17 33 amended to read as follows:

17 34 6. The members of the property assessment appeal board  
17 35 shall receive compensation from the state commensurate with  
18 1 the salary of a district judge through December 31, 2013. The  
18 2 members of the board shall be considered state employees for  
18 3 purposes of salary and benefits. The members of the board and  
18 4 any employees of the board, when required to travel in the  
18 5 discharge of official duties, shall be paid their actual and  
18 6 necessary expenses incurred in the performance of duties.

18 7 Sec. 28. Section 602.1301, subsection 2, paragraph b, Code  
18 8 2007, is amended to read as follows:

18 9 b. Before December 1, the supreme court shall submit to  
18 10 the director of management an estimate of the total  
18 11 expenditure requirements of the judicial branch including a  
~~18 12 detailed listing of requested increases in salaries of all~~  
~~18 13 judges and magistrates for the succeeding fiscal year.~~ The  
18 14 director of management shall submit this estimate received  
18 15 from the supreme court to the governor for inclusion without  
18 16 change in the governor's proposed budget for the succeeding  
18 17 fiscal year. The estimate shall also be submitted to the  
18 18 chairpersons of the committees on appropriations.

18 19 DIVISION IV  
18 20 OTHER APPROPRIATIONS



AND RELATED MATTERS

18 21  
18 22 Sec. 29. CAPITOL COMPLEX SHUTTLE. There is appropriated  
18 23 from the general fund of the state to the department of  
18 24 administrative services for the fiscal year beginning July 1,  
18 25 2007, and ending June 30, 2008, the following amount, or so  
18 26 much thereof as is necessary, to be used for the purpose  
18 27 designated:

18 28 For the state's share of support in conjunction with the  
18 29 city of Des Moines and local area businesses to provide a free  
18 30 shuttle service to the citizens of Iowa visiting the capitol  
18 31 complex that includes transportation between the capitol  
18 32 complex and the downtown Des Moines area:

18 33 ..... \$ 120,000

18 34 Details for the shuttle service, including the route to be  
18 35 served, shall be determined pursuant to an agreement to be  
19 1 entered into by the department with the Des Moines area  
19 2 regional transit authority (DART) and any other participating  
19 3 entities.

19 4 Sec. 30. MID-AMERICA PORT COMMISSION. There is  
19 5 appropriated from the general fund of the state to the  
19 6 department of economic development for the fiscal year  
19 7 beginning July 1, 2007, and ending June 30, 2008, the  
19 8 following amount, or so much thereof as is necessary, to be  
19 9 used for the purpose designated:

19 10 For support for the mid-America port commission to defray  
19 11 administrative costs:

19 12 ..... \$ 40,000

19 13 Sec. 31. INTERPRETERS FOR THE DEAF. There is appropriated  
19 14 from the general fund of the state to the department of  
19 15 education for the fiscal year beginning July 1, 2007, and  
19 16 ending June 30, 2008, the following amount, or so much thereof  
19 17 as is necessary, to be used for the purpose designated:

19 18 Due to the high numbers of articulation agreements between  
19 19 the state school for the deaf and Iowa western community  
19 20 college, for allocation for arrangements made between the  
19 21 state school for the deaf and Iowa western community college  
19 22 for deaf interpreters:

19 23 ..... \$ 200,000

19 24 Sec. 32. COMMUNITY COLLEGE SALARIES. There is  
19 25 appropriated from the general fund of the state to the  
19 26 department of education for the fiscal year beginning July 1,  
19 27 2007, and ending June 30, 2008, the following amount, or so  
19 28 much thereof as is necessary, to be used for the purpose  
19 29 designated:

19 30 For distribution to community colleges to supplement  
19 31 faculty salaries:

19 32 ..... \$ 2,000,000

19 33 1. Moneys appropriated in this section shall be  
19 34 distributed among each community college based on the  
19 35 proportional share of that community college's total salary  
20 1 expenditures in the instructional and instructional part-time  
20 2 categories in the education functions of liberal arts and  
20 3 sciences and vocational-technical bears to the total salary  
20 4 expenditures for all community colleges in the education  
20 5 functions of liberal arts and sciences and  
20 6 vocational-technical in the fiscal year prior to the base  
20 7 year, as determined by the department of education.

20 8 2. Moneys distributed to each community college under this  
20 9 section shall then be rolled into that base funding allocation  
20 10 for all future years. The use of the funds shall remain as  
20 11 described in this section for all future years.

20 12 3. Moneys appropriated and distributed to community  
20 13 colleges under this section shall be used to supplement and  
20 14 not supplant any approved faculty salary increases or  
20 15 negotiated agreements, excluding the distribution of the funds  
20 16 in this section.

20 17 4. Moneys distributed to a community college under this  
20 18 section shall be allocated to all full-time, nonadministrative  
20 19 instructors and part-time instructors covered by a collective  
20 20 bargaining agreement. The moneys shall be allocated by  
20 21 negotiated agreements according to chapter 20. If no language  
20 22 exists, the moneys shall be allocated equally to all  
20 23 full-time, nonadministrative instructors with part-time  
20 24 instructors covered by a collective bargaining agreement  
20 25 receiving a prorated share of the fund.

20 26 Sec. 33. DEPARTMENT OF ELDER AFFAIRS.

20 27 1. There is appropriated from the general fund of the  
20 28 state to the department of elder affairs for the fiscal year  
20 29 beginning July 1, 2007, and ending June 30, 2008, the  
20 30 following amount, or so much thereof as is necessary, to be  
20 31 used for the purposes designated:

20 32 To join in a partnership with a county described in  
20 33 subsection 2 to be used to fund a livable community initiative  
20 34 and hire a full-time professional aging specialist for the  
20 35 initiative:  
21 1 ..... \$ 75,000  
21 2 2. The county eligible for the appropriation in subsection  
21 3 1 shall meet all of the following qualifications:  
21 4 a. Have a livable community initiative, supported by the  
21 5 county board of supervisors, the area agency on aging, the  
21 6 united way, the county public health department and others.  
21 7 b. Have completed a market analysis on successful aging  
21 8 and issued reports containing future directions for housing,  
21 9 transportation, health and supportive services, and successful  
21 10 aging.  
21 11 c. Have organized action teams who are developing action  
21 12 plans to implement the priorities established at a countywide  
21 13 planning session with national leadership.  
21 14 3. The purpose of the professional aging specialist hired  
21 15 under this section is to help in the implementation of the  
21 16 action plans being developed and to work with the  
21 17 governmental, business, educational, health, religious,  
21 18 social, leisure, and service segments of the urban-rural  
21 19 county to create a replicable and portable model of a livable  
21 20 community where persons can age successfully.  
21 21 Sec. 34. READY RESERVE == APPROPRIATION. There is  
21 22 appropriated from the general fund of the state to the  
21 23 department of public defense for the fiscal year beginning  
21 24 July 1, 2007, and ending June 30, 2008, the following amount,  
21 25 or so much thereof as is necessary, to be used for the  
21 26 purposes designated:  
21 27 For initial implementation of the disaster behavioral  
21 28 health responder ready reserve by the homeland security and  
21 29 emergency management division in accordance with section  
21 30 29C.23, as enacted by this division of this Act:  
21 31 ..... \$ 75,000  
21 32 Sec. 35. ALL IOWA OPPORTUNITY ASSISTANCE PROGRAM. If 2007  
21 33 Iowa Acts, Senate File 588, is enacted and provides for an  
21 34 appropriation from the general fund of the state to the  
21 35 college student aid commission for the fiscal year beginning  
22 1 July 1, 2007, and ending June 30, 2008, for the all Iowa  
22 2 opportunity assistance program, there is appropriated to  
22 3 supplement that appropriation as follows:  
22 4 For purposes of the all Iowa opportunity assistance  
22 5 program, which includes the all Iowa opportunity foster care  
22 6 grant program established pursuant to section 261.6 and the  
22 7 all Iowa opportunity scholarship program established pursuant  
22 8 to section 261.88, if sections 261.6 and 261.88 are enacted by  
22 9 2007 Iowa Acts, Senate File 588:  
22 10 ..... \$ 2,000,000  
22 11 The moneys appropriated in this section shall be used for  
22 12 the all Iowa opportunity scholarship program established  
22 13 pursuant to section 261.88, if enacted.  
22 14 Sec. 36. BEFORE AND AFTER SCHOOL GRANT PROGRAM. If 2007  
22 15 Iowa Acts, Senate File 588, is enacted and provides for an  
22 16 appropriation from the general fund of the state to the  
22 17 department of education for the fiscal year beginning July 1,  
22 18 2007, and ending June 30, 2008, for the before and after  
22 19 school grant program, there is appropriated to supplement that  
22 20 appropriation as follows:  
22 21 For the before and after school grant program established  
22 22 pursuant to section 256.26, if enacted by 2007 Iowa Acts,  
22 23 Senate File 588:  
22 24 ..... \$ 295,000  
22 25 Sec. 37. FARM MEDIATION. If 2007 Iowa Acts, Senate File  
22 26 575, is enacted and provides for an appropriation from the  
22 27 general fund of the state to the department of justice for the  
22 28 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
22 29 for the purpose of funding farm mediation services, there is  
22 30 appropriated to supplement that appropriation as follows:  
22 31 For the purpose of funding farm mediation services and  
22 32 other farm assistance program provisions in accordance with  
22 33 sections 13.13 through 13.24:  
22 34 ..... \$ 150,000  
22 35 Sec. 38. DEPARTMENT OF PUBLIC HEALTH == 211 PROGRAM.  
23 1 There is appropriated from the general fund of the state to  
23 2 the department of public health for the fiscal year beginning  
23 3 July 1, 2007, and ending June 30, 2008, the following amount,  
23 4 or so much thereof as is necessary, to be used for the  
23 5 purposes designated:  
23 6 For award to 211 nonprofit call centers providing human  
23 7 services information for citizens of this state, in accordance

23 8 with this section:  
23 9 ..... \$ 500,000  
23 10 1. The amount appropriated in this section shall be  
23 11 awarded to 211 call centers that apply for funding under this  
23 12 section and meet the criteria for the funding established by  
23 13 the department in consultation with an industry advisory  
23 14 committee. The committee shall consist of two members who are  
23 15 executive officers from a statewide organization that provided  
23 16 funding to 211 call centers during calendar year 2006, one  
23 17 member representing the department of elder affairs, one  
23 18 member representing the board of directors of a nonprofit call  
23 19 center in this state, and an Iowa member representing the  
23 20 alliance of information and referral systems. The committee  
23 21 shall assist the department in reviewing funding applications  
23 22 and awarding the funds.  
23 23 2. The department shall submit a report to the governor  
23 24 and general assembly providing detailed information concerning  
23 25 the funding distributed to call centers under this section,  
23 26 addressing the purposes for which the funding was used, the  
23 27 call volume for each call center, and the subject addressed by  
23 28 the calls.  
23 29 Sec. 39. JUDICIAL BRANCH. There is appropriated from the  
23 30 general fund of the state to the judicial branch for the  
23 31 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
23 32 the following amount, or so much thereof as is necessary, for  
23 33 the purposes designated:  
23 34 For salaries, support, and miscellaneous purposes:  
23 35 ..... \$ 14,000,000  
24 1 The amount appropriated in this section is a supplement to  
24 2 the appropriations made for these purposes in 2007 Iowa Acts,  
24 3 Senate File 563, if enacted.  
24 4 Sec. 40. INDIGENT DEFENSE PROGRAM. There is appropriated  
24 5 from the general fund of the state to the office of state  
24 6 public defender of the department of inspections and appeals  
24 7 for the fiscal year beginning July 1, 2007, and ending June  
24 8 30, 2008, the following amount, or so much thereof as is  
24 9 necessary, for the purposes designated:  
24 10 For the indigent defense program:  
24 11 ..... \$ 3,000,000  
24 12 The amount appropriated in this section is a supplement to  
24 13 the appropriations made for these purposes in 2007 Iowa Acts,  
24 14 Senate File 575, if enacted.  
24 15 Sec. 41. NEWTON CORRECTIONAL FACILITY. There is  
24 16 appropriated from the general fund of the state to the  
24 17 department of corrections for the fiscal year beginning July  
24 18 1, 2007, and ending June 30, 2008, the following amount, or so  
24 19 much thereof as is necessary, for the purposes designated:  
24 20 For the Newton correctional facility:  
24 21 ..... \$ 560,000  
24 22 The amount appropriated in this section is a supplement to  
24 23 the appropriations made for these purposes in 2007 Iowa Acts,  
24 24 Senate File 575, if enacted.  
24 25 Sec. 42. LEGAL SERVICES POVERTY GRANTS. There is  
24 26 appropriated from the general fund of the state to the office  
24 27 of attorney general for the fiscal year beginning July 1,  
24 28 2007, and ending June 30, 2008, the following amount, or so  
24 29 much thereof as is necessary, for the purposes designated:  
24 30 For legal services for persons in poverty grants as  
24 31 provided in section 13.34:  
24 32 ..... \$ 450,000  
24 33 The amount appropriated in this section is a supplement to  
24 34 the appropriations made for these purposes in 2007 Iowa Acts,  
24 35 Senate File 575, if enacted.  
25 1 Sec. 43. IOWA JUNIOR ANGUS ASSOCIATION. There is  
25 2 appropriated from the general fund of the state to the  
25 3 department of agriculture and land stewardship for the fiscal  
25 4 year beginning July 1, 2007, and ending June 30, 2008, the  
25 5 following amount, or so much thereof as is necessary, to be  
25 6 used for the purpose designated:  
25 7 For allocation to the Iowa junior angus association in  
25 8 connection with the 2008 national junior angus show:  
25 9 ..... \$ 10,000  
25 10 Sec. 44. PLASMA ARC TECHNOLOGY. There is appropriated  
25 11 from the general fund of the state to the department of  
25 12 natural resources for the fiscal year beginning July 1, 2006,  
25 13 and ending June 30, 2007, the following amount, or so much  
25 14 thereof as is necessary, to be used for the purposes  
25 15 designated:  
25 16 For a grant to a county with a population of more than  
25 17 190,000 but less than 200,000, according to the 2005 estimate  
25 18 issued by the United States bureau of the census:

25 19 ..... \$ 150,000  
 25 20 The grant shall be used to conduct a study of the  
 25 21 feasibility of the use of plasma arc and other related energy  
 25 22 technology for disposal of solid waste while generating  
 25 23 energy.  
 25 24 Notwithstanding section 8.33, moneys appropriated in this  
 25 25 section that remain unencumbered or unobligated at the close  
 25 26 of the fiscal year shall not revert but shall remain available  
 25 27 for expenditure for the purposes designated until the close of  
 25 28 the succeeding fiscal year.  
 25 29 Sec. 45. UNITED STATES CENTER FOR CITIZEN DIPLOMACY.  
 25 30 There is appropriated from the general fund of the state to  
 25 31 the office of the secretary of state for the fiscal year  
 25 32 beginning July 1, 2007, and ending June 30, 2008, the  
 25 33 following amount, or so much thereof as is necessary, to be  
 25 34 used for the purpose designated:  
 25 35 For a grant to support the United States center for citizen  
 26 1 diplomacy:  
 26 2 ..... \$ 100,000  
 26 3 Sec. 46. STATE EMPLOYEE TELECOMMUTING == POLICY. Any  
 26 4 director of a department or state agency who is subject to a  
 26 5 requirement to develop a telecommuter employment policy and  
 26 6 plans shall develop the policy and plans in consultation with  
 26 7 representatives of the collective bargaining units of the  
 26 8 employees affected by the policy and plans.  
 26 9 Sec. 47. 2006 Iowa Acts, chapter 1177, section 16,  
 26 10 subsection 4, is amended by adding the following new  
 26 11 unnumbered paragraph:  
 26 12 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,  
 26 13 moneys appropriated in this subsection that remain  
 26 14 unencumbered or unobligated at the close of the fiscal year  
 26 15 shall not revert but shall remain available for expenditure  
 26 16 for the purposes designated during the succeeding fiscal year.  
 26 17 Sec. 48. 2006 Iowa Acts, chapter 1180, section 5,  
 26 18 subsection 6, is amended by adding the following new  
 26 19 unnumbered paragraph:  
 26 20 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,  
 26 21 moneys appropriated in this subsection that remain  
 26 22 unencumbered or unobligated at the close of the fiscal year  
 26 23 shall not revert but shall remain available for expenditure  
 26 24 for the purposes designated until the close of the succeeding  
 26 25 fiscal year.  
 26 26 Sec. 49. 2007 Iowa Acts, Senate File 562, section 1,  
 26 27 subsection 6, if enacted, is amended by adding the following  
 26 28 new unnumbered paragraph:  
 26 29 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,  
 26 30 moneys appropriated in this subsection that remain  
 26 31 unencumbered or unobligated at the close of the fiscal year  
 26 32 shall not revert but shall remain available for expenditure  
 26 33 for the purposes designated until the close of the succeeding  
 26 34 fiscal year.  
 26 35 Sec. 50. 2007 Iowa Acts, House File 752, section 1,  
 27 1 subsection 2, paragraph a, if enacted, is amended to read as  
 27 2 follows:  
 27 3 a. Operations:  
 27 4 ..... \$ ~~6,237,000~~  
 27 5 6,253,800  
 27 6 Sec. 51. 2007 Iowa Acts, House File 752, section 2,  
 27 7 subsection 1, paragraph a, if enacted, is amended to read as  
 27 8 follows:  
 27 9 a. Operations:  
 27 10 ..... \$ ~~38,311,652~~  
 27 11 38,414,852  
 27 12 ..... FTEs ~~305.00~~  
 27 13 306.00  
 27 14 Sec. 52. 2007 Iowa Acts, House File 752, section 1,  
 27 15 subsection 3, if enacted, is amended to read as follows:  
 27 16 3. For payments to the department of administrative  
 27 17 services for utility services:  
 27 18 ..... \$ ~~145,000~~  
 27 19 188,207  
 27 20 Sec. 53. 2007 Iowa Acts, House File 752, section 2,  
 27 21 subsection 2, if enacted, is amended to read as follows:  
 27 22 2. For payments to the department of administrative  
 27 23 services for utility services:  
 27 24 ..... \$ ~~888,000~~  
 27 25 1,153,417  
 27 26 Sec. 54. TIM SHIELDS CENTER. It is the intent of the  
 27 27 general assembly that appropriations be made from moneys in  
 27 28 the state treasury to assist the local government innovation  
 27 29 commission in funding the Tim Shields center for governing

27 30 excellence in Iowa established in section 8.68 if enacted by  
27 31 2007 Iowa Acts, Senate File 155.

27 32 Sec. 55. NEW SECTION. 15.391 WORLD FOOD PRIZE AWARD AND  
27 33 SUPPORT.

27 34 1. Commencing with the fiscal year beginning July 1, 2008,  
27 35 there is annually appropriated from the general fund of the  
28 1 state to the department one million dollars for the support of  
28 2 the world food prize award.

28 3 2. The Iowa state capitol is designated as the primary  
28 4 location for the annual ceremony to award the world food  
28 5 prize.

28 6 Sec. 56. NEW SECTION. 15.392 WORLD FOOD PRIZE YOUTH  
28 7 INSTITUTE.

28 8 1. As a condition of receiving state funding, the entity  
28 9 awarding the world food prize shall establish a world food  
28 10 prize youth institute program in honor of Nobel peace prize  
28 11 laureate Dr. Norman E. Borlaug. The purpose of the program  
28 12 shall be to provide an educational opportunity and forum for  
28 13 high school students in this state who have an interest in  
28 14 food, agriculture, or natural resources disciplines.

28 15 2. State funding for the world food prize youth institute  
28 16 for a fiscal year shall be allocated from the appropriation  
28 17 made for the support of the world food prize award.

28 18 3. A world food prize youth institute advisory committee  
28 19 is established to advise and support the institute. The  
28 20 advisory committee shall receive regular updates concerning  
28 21 the status of the institute. The membership of the advisory  
28 22 committee shall include two members of the senate, one each  
28 23 appointed by the majority and minority party leaders, and two  
28 24 members of the house of representatives appointed by the  
28 25 speaker and minority leader of the house of representatives.  
28 26 In addition, the governor shall appoint two members. The  
28 27 terms of the legislative and executive branch appointments  
28 28 shall coincide with each legislative biennium. A vacancy in a  
28 29 legislative or executive branch appointment shall be filled  
28 30 for the balance of the unexpired term by the original  
28 31 appointing authority.

28 32 4. Staff support for the advisory committee shall be  
28 33 provided by the department of economic development.

28 34 Sec. 57. Section 15F.203, subsection 3, paragraph e, Code  
28 35 2007, is amended to read as follows:

29 1 e. The project is primarily a vertical infrastructure  
29 2 project with demonstrated substantial regional or statewide  
29 3 economic impact. For purposes of the program, "vertical  
29 4 infrastructure" means land acquisition and construction, major  
29 5 renovation and major repair of buildings, all appurtenant  
29 6 structures, utilities, site development, and recreational  
29 7 trails and water trails. "Vertical infrastructure" does not  
29 8 include routine, recurring maintenance or operational expenses  
29 9 or leasing of a building, appurtenant structure, or utility  
29 10 without a lease-purchase agreement.

29 11 Sec. 58. Section 15F.204, subsection 8, Code 2007, is  
29 12 amended to read as follows:

29 13 8. a. There is appropriated from the rebuild Iowa  
29 14 infrastructure fund to the community attraction and tourism  
29 15 fund, the following amounts:

29 16 (1) For the fiscal year beginning July 1, 2004, and ending  
29 17 June 30, 2005, the sum of twelve million dollars.

29 18 (2) For the fiscal year beginning July 1, 2005, and ending  
29 19 June 30, 2006, the sum of five million dollars.

29 20 (3) For the fiscal year beginning July 1, 2006, and ending  
29 21 June 30, 2007, the sum of five million dollars.

29 22 (4) For the fiscal year beginning July 1, 2007, and ending  
29 23 June 30, 2008, the sum of five million dollars.

29 24 (5) For the fiscal year beginning July 1, 2008, and ending  
29 25 June 30, 2009, the sum of five million dollars.

29 26 (6) For the fiscal year beginning July 1, 2009, and ending  
29 27 June 30, 2010, the sum of five million dollars.

29 28 (7) For the fiscal year beginning July 1, 2010, and ending  
29 29 June 30, 2011, the sum of five million dollars.

29 30 (8) For the fiscal year beginning July 1, 2011, and ending  
29 31 June 30, 2012, the sum of five million dollars.

29 32 (9) For the fiscal year beginning July 1, 2012, and ending  
29 33 June 30, 2013, the sum of five million dollars.

29 34 b. There is appropriated from the franchise tax revenues  
29 35 deposited in the general fund of the state to the community  
30 1 attraction and tourism fund, the following amounts:

30 2 (1) For the fiscal year beginning July 1, 2005, and ending  
30 3 June 30, 2006, the sum of seven million dollars.

30 4 (2) For the fiscal year beginning July 1, 2006, and ending  
30 5 June 30, 2007, the sum of seven million dollars.

30 6 (3) For the fiscal year beginning July 1, 2007, and ending  
30 7 June 30, 2008, the sum of seven million dollars.  
30 8 (4) For the fiscal year beginning July 1, 2008, and ending  
30 9 June 30, 2009, the sum of seven million dollars.  
30 10 (5) For the fiscal year beginning July 1, 2009, and ending  
30 11 June 30, 2010, the sum of seven million dollars.  
30 12 (6) For the fiscal year beginning July 1, 2010, and ending  
30 13 June 30, 2011, the sum of seven million dollars.

30 14 (7) For the fiscal year beginning July 1, 2011, and ending  
30 15 June 30, 2012, the sum of seven million dollars.

30 16 (8) For the fiscal year beginning July 1, 2012, and ending  
30 17 June 30, 2013, the sum of seven million dollars.

30 18 Notwithstanding the allocation requirements in subsection  
30 19 5, the board may make a multiyear commitment to an applicant  
30 20 of up to ~~four~~ six million dollars in any one fiscal year.  
30 21 Sec. 59. NEW SECTION. 29C.23 DISASTER BEHAVIORAL HEALTH  
30 22 RESPONDER READY RESERVE.

30 23 1. The administrator of the homeland security and  
30 24 emergency management division shall provide for the ongoing  
30 25 existence of a disaster behavioral health responder ready  
30 26 reserve in accordance with this section. The purpose of the  
30 27 reserve is to maintain a group of trained individuals to work  
30 28 with state and local officials and others in providing crisis  
30 29 counseling assistance in response to crises, disasters, and  
30 30 public disorder emergencies.

30 31 2. The ready reserve shall be considered to be a homeland  
30 32 security and emergency response team for purposes of section  
30 33 29C.8, and the members of the ready reserve shall be subject  
30 34 to section 29C.8 when the ready reserve is acting as a  
30 35 homeland security and emergency response team upon the  
31 1 directive of the administrator or pursuant to a governor's  
31 2 disaster emergency proclamation as provided in section 29C.6.

31 3 3. The membership of the ready reserve may include but is  
31 4 not limited to nurses, social workers, teachers, farmers,  
31 5 mental health professionals, college students, and other  
31 6 persons trained to serve as a disaster behavioral health  
31 7 responder.

31 8 4. Functions associated with maintaining the existence of  
31 9 the ready reserve shall include administration, project  
31 10 activities, provision of information through the internet,  
31 11 initial and ongoing training of ready reserve members, and  
31 12 other related activities. The administrator may contract for  
31 13 the performance of all or a part of the functions described in  
31 14 this subsection.

31 15 5. Implementation of the ready reserve is subject to the  
31 16 funding appropriated or made available for purposes of the  
31 17 ready reserve.

31 18 Sec. 60. Section 256D.5, subsection 4, Code 2007, is  
31 19 amended to read as follows:

31 20 4. For each fiscal year of the fiscal period beginning  
31 21 July 1, 2004, and ending June 30, ~~2007~~ 2012, the sum of  
31 22 twenty-nine million two hundred fifty thousand dollars.

31 23 Sec. 61. Section 256D.9, Code 2007, is amended to read as  
31 24 follows:

31 25 256D.9 FUTURE REPEAL.

31 26 This chapter is repealed effective July 1, ~~2007~~ 2012.

31 27 Sec. 62. Section 279.51, subsection 1, Code 2007, is  
31 28 amended to read as follows:

31 29 1. There is appropriated from the general fund of the  
31 30 state to the department of education for the fiscal year  
31 31 beginning July 1, ~~2000~~ 2007, and each succeeding fiscal year,  
31 32 the sum of twelve million ~~five~~ six hundred ~~sixty~~ six thousand  
31 33 ~~one hundred ninety-six~~ dollars.

31 34 The moneys shall be allocated as follows:

31 35 a. Two hundred seventy-five thousand ~~eight hundred~~  
32 1 ~~sixty-four~~ dollars of the funds appropriated shall be  
32 2 allocated to the area education agencies to assist school  
32 3 districts in developing program plans and budgets under this  
32 4 section and to assist school districts in meeting other  
32 5 responsibilities in early childhood education.

32 6 b. For the fiscal year beginning July 1, ~~1998~~ 2007, and  
32 7 for each succeeding fiscal year, eight million five hundred  
32 8 ~~ten~~ thirty-six thousand ~~seven hundred forty~~ dollars of the  
32 9 funds appropriated shall be allocated to the child development  
32 10 coordinating council established in chapter 256A for the  
32 11 purposes set out in subsection 2 of this section and section  
32 12 256A.3.

32 13 c. For the fiscal year beginning July 1, ~~1996~~ 2007, and  
32 14 for each fiscal year thereafter, three million five hundred  
32 15 ~~ten~~ thousand nine hundred ninety-two dollars of the funds  
32 16 appropriated shall be allocated as grants to school districts

32 17 that have elementary schools that demonstrate the greatest  
32 18 need for programs for at-risk students with preference given  
32 19 to innovative programs for the early elementary school years.  
32 20 School districts receiving grants under this paragraph shall  
32 21 at a minimum provide activities and materials designed to  
32 22 encourage children's self-esteem, provide role modeling and  
32 23 mentoring techniques in social competence and social skills,  
32 24 and discourage inappropriate drug use. The grant allocations  
32 25 made in this paragraph may be renewed for additional periods  
32 26 of time. Of the amount allocated under this paragraph for  
32 27 each fiscal year, seventy-five thousand dollars shall be  
32 28 allocated to school districts which have an actual student  
32 29 population of ten thousand or less and have an actual  
32 30 non-English speaking student population which represents  
32 31 greater than five percent of the total actual student  
32 32 population for grants to elementary schools in those  
32 33 districts.

32 34 d. Notwithstanding section 256A.3, subsection 6, of the  
32 35 amount appropriated in this subsection for the fiscal year  
33 1 beginning July 1, ~~1996~~ 2007, and for each succeeding fiscal  
33 2 year, ~~two and one-fourth percent up to two hundred eighty-two~~  
33 3 ~~thousand six hundred dollars~~ may be used for administrative  
33 4 costs. ~~Any reduction of an allocation under this subsection~~  
33 5 ~~as necessary to fund the provisions of this paragraph shall be~~  
33 6 ~~made from the allocation in paragraph "b".~~

33 7 Sec. 63. Section 602.1304, subsection 2, paragraph b, Code  
33 8 2007, is amended to read as follows:

33 9 b. For each fiscal year, a judicial collection estimate  
33 10 for that fiscal year shall be equally and proportionally  
33 11 divided into a quarterly amount. The judicial collection  
33 12 estimate shall be calculated by using the state revenue  
33 13 estimating conference estimate made by December 15 pursuant to  
33 14 section 8.22A, subsection 3, of the total amount of fines,  
33 15 fees, civil penalties, costs, surcharges, and other revenues  
33 16 collected by judicial officers and court employees for deposit  
33 17 into the general fund of the state. The revenue estimating  
33 18 conference estimate shall be reduced by the maximum amounts  
33 19 allocated to the Iowa prison infrastructure fund pursuant to  
33 20 section 602.8108A, the court technology and modernization fund  
33 21 pursuant to section 602.8108, subsection 7, ~~the judicial~~  
33 22 ~~branch pursuant to section 602.8108, subsection 8, the~~  
33 23 ~~department of inspections and appeals pursuant to section~~  
33 24 ~~602.8108, subsection 9, the office of attorney general~~  
33 25 ~~pursuant to section 602.8108, subsection 10, the department of~~  
33 26 ~~corrections pursuant to section 602.8108, subsection 11, and~~  
33 27 the road use tax fund pursuant to section 602.8108, subsection  
33 28 12, and the remainder shall be the judicial collection  
33 29 estimate. In each quarter of a fiscal year, after revenues  
33 30 collected by judicial officers and court employees equal to  
33 31 that quarterly amount are deposited into the general fund of  
33 32 the state, after the required amount is deposited during the  
33 33 quarter into the Iowa prison infrastructure fund pursuant to  
33 34 section 602.8108A, into the court technology and modernization  
33 35 fund pursuant to section 602.8108, subsection 7, and into the  
34 1 road use tax fund pursuant to section 602.8108, subsection 12,  
34 2 ~~after the required amount is allocated to the judicial branch~~  
34 3 ~~pursuant to section 602.8108, subsection 8, and after the~~  
34 4 ~~required amount is allocated to the department of inspections~~  
34 5 ~~and appeals pursuant to section 602.8108, subsection 9, the~~  
34 6 ~~office of attorney general pursuant to section 602.8108,~~  
34 7 ~~subsection 10, and the department of corrections pursuant to~~  
34 8 ~~section 602.8108, subsection 11, the director of the~~  
34 9 department of administrative services shall deposit the  
34 10 remaining revenues for that quarter into the enhanced court  
34 11 collections fund in lieu of the general fund. However, after  
34 12 total deposits into the collections fund for the fiscal year  
34 13 are equal to the maximum deposit amount established for the  
34 14 collections fund, remaining revenues for that fiscal year  
34 15 shall be deposited into the general fund. If the revenue  
34 16 estimating conference agrees to a different estimate at a  
34 17 later meeting which projects a lesser amount of revenue than  
34 18 the initial estimate amount used to calculate the judicial  
34 19 collection estimate, the director of the department of  
34 20 administrative services shall recalculate the judicial  
34 21 collection estimate accordingly. If the revenue estimating  
34 22 conference agrees to a different estimate at a later meeting  
34 23 which projects a greater amount of revenue than the initial  
34 24 estimate amount used to calculate the judicial collection  
34 25 estimate, the director of the department of administrative  
34 26 services shall recalculate the judicial collection estimate  
34 27 accordingly but only to the extent that the greater amount is

34 28 due to an increase in the fines, fees, civil penalties, costs,  
34 29 surcharges, or other revenues allowed by law to be collected  
34 30 by judicial officers and court employees.  
34 31 Sec. 64. Section 602.8108, subsections 8, 9, 10, and 11,  
34 32 Code 2007, are amended by striking the subsections.  
34 33 Sec. 65. EFFECTIVE DATE. The section of this division of  
34 34 this Act making an appropriation to the department of natural  
34 35 resources for a plasma arc technology grant, being deemed of  
35 1 immediate importance, takes effect upon enactment.  
35 2 Sec. 66. EFFECTIVE DATE. The section of this division of  
35 3 this Act amending section 256D.9, being deemed of immediate  
35 4 importance, takes effect upon enactment.  
35 5 Sec. 67. EFFECTIVE DATE. The section of this division of  
35 6 this Act amending 2006 Iowa Acts, chapter 1177, being deemed  
35 7 of immediate importance, takes effect upon enactment.  
35 8 Sec. 68. EFFECTIVE DATE. The section of this division of  
35 9 this Act amending 2006 Iowa Acts, chapter 1180, section 5,  
35 10 being deemed of immediate importance, takes effect upon  
35 11 enactment.

35 12 DIVISION V

35 13 MISCELLANEOUS STATUTORY CHANGES

35 14 Sec. 69. Section 7E.7, subsection 1, Code 2007, is amended  
35 15 to read as follows:

35 16 1. ~~The Iowa finance authority and the~~ Iowa economic  
35 17 protective and investment authority shall be considered ~~parts~~  
35 18 part of the Iowa department of economic development. The Iowa  
35 19 department of economic development may provide staff  
35 20 assistance and administrative support to the ~~authorities~~  
35 21 authority.

35 22 Sec. 70. Section 7E.7, subsection 2, Code 2007, is amended  
35 23 by striking the subsection.

35 24 Sec. 71. Section 8A.311, Code 2007, is amended by adding  
35 25 the following new subsection:

35 26 NEW SUBSECTION. 21. a. The director may authorize the  
35 27 procurement of goods and services in which a limitation of  
35 28 vendor liability is provided for and set forth in the  
35 29 documents initiating the procurement. The director, in  
35 30 consultation with the department of management, shall adopt  
35 31 rules setting forth the circumstances in which such  
35 32 procurement will be permitted and what types of limitations of  
35 33 liability are permitted. Rules adopted by the director shall  
35 34 establish criteria to be considered in making a determination  
35 35 of whether to permit a limitation of vendor liability with  
36 1 regard to any procurement of goods and services. The  
36 2 criteria, at a minimum, shall include all of the following:

36 3 (1) Whether authorizing a limitation of vendor liability  
36 4 is necessary to prevent harm to the state from a failure to  
36 5 obtain the goods or services sought, or from obtaining the  
36 6 goods or services at a higher price if the state refuses to  
36 7 allow a limitation of vendor liability.

36 8 (2) Whether the limitation of vendor liability is  
36 9 commercially reasonable when taking into account any risk to  
36 10 the state created by the goods or services to be procured and  
36 11 the purpose for which they will be used.

36 12 b. Notwithstanding paragraph "a", a limitation of vendor  
36 13 liability shall not include any limitation on the liability of  
36 14 any vendor for intentional torts, criminal acts, or fraudulent  
36 15 conduct.

36 16 c. The rules shall provide for the negotiation of a  
36 17 limitation of vendor liability consistent with the  
36 18 requirements of this section and any other requirements of the  
36 19 department as provided in any related documents associated  
36 20 with a procurement of goods and services.

36 21 Sec. 72. Section 8A.363, subsection 1, Code 2007, is  
36 22 amended to read as follows:

36 23 1. A state officer or employee shall not use a state-owned  
36 24 motor vehicle for personal private use. A state officer or  
36 25 employee shall not be compensated for driving a privately  
36 26 owned motor vehicle unless it is done on state business with  
36 27 the approval of the director. In that case the state officer  
36 28 or employee shall receive an amount to be determined by the  
36 29 director. The amount shall ~~not exceed~~ be not less than ninety  
36 30 percent of the maximum or not more than one hundred ten

36 31 percent of the maximum allowable under the federal internal  
36 32 revenue service rules per mile, notwithstanding established  
36 33 mileage requirements or depreciation allowances. However, the  
36 34 director may authorize private motor vehicle rates in excess  
36 35 of one hundred ten percent of the rate allowed under the  
37 1 federal internal revenue service rules for state business use  
37 2 of substantially modified or specially equipped privately  
37 3 owned vehicles required by persons with disabilities. A



37 4 statutory provision establishing reimbursement for necessary  
37 5 mileage, travel, or actual expenses to a state officer falls  
37 6 under the private motor vehicle mileage rate limitation  
37 7 provided in this section unless specifically provided  
37 8 otherwise. Any peace officer employed by the state as defined  
37 9 in section 801.4 who is required to use a private motor  
37 10 vehicle in the performance of official duties shall receive  
37 11 the private vehicle mileage rate at the rate provided in this  
37 12 section. However, the director may delegate authority to  
37 13 officials of the state, and department heads, for the use of  
37 14 private vehicles on state business up to a yearly mileage  
37 15 figure established by the director. If a state motor vehicle  
37 16 has been assigned to a state officer or employee, the officer  
37 17 or employee shall not collect mileage for the use of a  
37 18 privately owned motor vehicle unless the state motor vehicle  
37 19 assigned is not useable.

37 20 Sec. 73. Section 15I.3, subsection 4, Code 2007, is  
37 21 amended to read as follows:

37 22 4. The total amount of tax credit certificates that may be  
37 23 issued for a fiscal year under this chapter shall not exceed  
37 24 ten million dollars for the fiscal years beginning before July  
37 25 1, 2007, and shall not exceed four million dollars for fiscal  
37 26 years beginning on or after July 1, 2007. The department

37 27 shall establish by rule the procedures for the application,  
37 28 review, selection, awarding of certificates, and the method to  
37 29 be used to determine for which fiscal year the tax credits are  
37 30 available. If the approved tax credits exceed the maximum  
37 31 amount for a fiscal year, tax credit certificates shall be  
37 32 issued on an earliest date applied basis.

37 33 Sec. 74. Section 28D.3, subsection 4, Code 2007, is  
37 34 amended to read as follows:

37 35 4. Persons employed by the department of natural  
38 1 resources, department of administrative services, and the Iowa  
38 2 communications network under this chapter are not subject to  
38 3 the twenty-four-month time limitation specified in subsection  
38 4 2.

38 5 Sec. 75. Section 85.66, Code 2007, is amended to read as  
38 6 follows:

38 7 85.66 SECOND INJURY FUND == CREATION == CUSTODIAN.

38 8 The "Second Injury Fund" is hereby established under the  
38 9 custody of the treasurer of state and shall consist of  
38 10 payments to the fund as provided by this division and any  
38 11 accumulated interest and earnings on moneys in the second  
38 12 injury fund. The treasurer of state is charged with the  
38 13 conservation of the assets of the second injury fund. Moneys  
38 14 collected in the "Second Injury Fund" shall be disbursed only  
38 15 for the purposes stated in this division, and shall not at any  
38 16 time be appropriated or diverted to any other use or purpose.  
38 17 The treasurer of state shall invest any surplus moneys of the  
38 18 fund in securities which constitute legal investments for  
38 19 state funds under the laws of this state, and may sell any of  
38 20 the securities in which the fund is invested, if necessary,  
38 21 for the proper administration or in the best interests of the  
38 22 fund. Disbursements from the fund shall be paid by the  
38 23 treasurer of state only upon the written order of the workers'  
38 24 compensation commissioner. The attorney general shall be  
38 25 reimbursed up to one hundred fifty thousand dollars annually  
38 26 from the fund for services provided related to the fund. The  
38 27 treasurer of state shall quarterly prepare a statement of the  
38 28 fund, setting forth the balance of moneys in the fund, the  
38 29 income of the fund, specifying the source of all income, the  
38 30 payments out of the fund, specifying the various items of  
38 31 payments, and setting forth the balance of the fund remaining  
38 32 to its credit. The statement shall be open to public  
38 33 inspection in the office of the treasurer of state.

38 34 Sec. 76. Section 85.67, Code 2007, is amended to read as  
38 35 follows:

39 1 85.67 ADMINISTRATION OF FUND == SPECIAL COUNSEL == PAYMENT  
39 2 OF AWARD.

39 3 The attorney general shall appoint a staff member to  
39 4 represent the treasurer of state and the fund in all  
39 5 proceedings and matters arising under this division. The  
39 6 attorney general shall be reimbursed up to one hundred fifty  
39 7 thousand dollars annually from the fund for services provided  
39 8 related to the fund. The commissioner of insurance shall  
39 9 consider the reimbursement to the attorney general as an  
39 10 outstanding liability when making a determination of funding  
39 11 availability under section 85.65A, subsection 2. In making an  
39 12 award under this division, the workers' compensation  
39 13 commissioner shall specifically find the amount the injured  
39 14 employee shall be paid weekly, the number of weeks of

39 15 compensation which shall be paid by the employer, the date  
39 16 upon which payments out of the fund shall begin, and, if  
39 17 possible, the length of time the payments shall continue.

39 18 Sec. 77. NEW SECTION. 90A.13 UNARMED COMBAT FIGHTING  
39 19 EXCLUDED FROM CHAPTER.

39 20 This chapter does not apply to unarmed combat fighting.  
39 21 For purposes of this section, "unarmed combat fighting" means  
39 22 mixed martial arts fighting, extreme fighting, ultimate  
39 23 fighting, and shoot fighting.

39 24 Sec. 78. Section 99F.4, subsection 24, Code 2007, is  
39 25 amended to read as follows:

39 26 24. To conduct a socioeconomic study on the impact of  
39 27 gambling on Iowans, every eight years beginning in calendar  
39 28 year ~~2008~~ 2013, and issue a report on that study. The  
39 29 commission shall ensure that the results of each study are  
39 30 readily accessible to the public.

39 31 Sec. 79. Section 99F.11, subsection 3, paragraph e,  
39 32 subparagraph (3), as enacted by 2006 Iowa Acts, chapter 1151,  
39 33 subsection 6, is amended to read as follows:

39 34 (3) One-half of the moneys remaining after the  
39 35 appropriation in subparagraph (1) shall be credited, on a  
40 1 quarterly basis, to the general fund of the state for the  
40 2 purpose of funding the endow Iowa tax credit provided in  
40 3 section 15E.305.

40 4 Sec. 80. Section 135H.3, Code 2007, is amended by adding  
40 5 the following new unnumbered paragraph:

40 6 NEW UNNUMBERED PARAGRAPH. A child who requires treatment  
40 7 for a biologically based mental illness as defined in section  
40 8 514C.22, and meets the medical assistance program criteria for  
40 9 admission to a psychiatric medical institution for children  
40 10 shall be deemed to meet the acuity criteria for inpatient  
40 11 benefits under a group policy, contract, or plan providing for  
40 12 third-party payment or prepayment of health, medical, and  
40 13 surgical coverage benefits issued by a carrier, as defined in  
40 14 section 513B.2, or by an organized delivery system authorized  
40 15 under 1993 Iowa Acts, ch. 158, that is subject to section  
40 16 514C.22.

40 17 Sec. 81. Section 175.3, subsection 1, paragraph a, Code  
40 18 2007, is amended to read as follows:

40 19 a. The agricultural development authority is ~~established~~  
40 20 ~~within the office of treasurer of state. The authority is~~  
40 21 constituted as a public instrumentality and agency of the  
40 22 state exercising public and essential governmental functions.

40 23 Sec. 82. Section 175.3, subsection 7, Code 2007, is  
40 24 amended to read as follows:

40 25 7. The appointed members shall elect a chairperson and  
40 26 vice chairperson annually, and other officers as they  
40 27 determine, but the executive director shall serve as secretary  
40 28 to the authority. ~~The chairperson and vice chairperson shall~~  
40 29 ~~serve on the selection and tenure committee as provided in~~  
40 30 ~~section 175.7.~~

40 31 Sec. 83. Section 175.7, subsection 1, Code 2007, is  
40 32 amended by striking the subsection and inserting in lieu  
40 33 thereof the following:

40 34 1. The governor, subject to confirmation by the senate,  
40 35 shall appoint an executive director of the authority, who  
41 1 shall serve at the pleasure of the governor. The executive  
41 2 director shall be selected primarily for administrative  
41 3 ability and knowledge in the field, without regard to  
41 4 political affiliation.

41 5 Sec. 84. Section 175.8, Code 2007, is amended by adding  
41 6 the following new subsection:

41 7 NEW SUBSECTION. 3. For fiscal years beginning on or after  
41 8 July 1, 2007, the auditor of state shall conduct an annual  
41 9 audit of the agricultural development authority to be paid  
41 10 from resources of the authority notwithstanding any other  
41 11 audit conducted on behalf of the authority's board of  
41 12 directors. The auditor of state may acquire the services of  
41 13 an outside audit firm, if necessary, to conduct the audit as  
41 14 required in this subsection.

41 15 Sec. 85. NEW SECTION. 190A.1 FARM=TO=SCHOOL PROGRAM.  
41 16 A farm-to-school program is established to encourage and  
41 17 promote the purchase of locally and regionally produced or  
41 18 processed food in order to improve child nutrition and  
41 19 strengthen local and regional farm economies.

41 20 Sec. 86. NEW SECTION. 190A.2 FARM=TO=SCHOOL COUNCIL.

41 21 1. A farm-to-school council is established and made up of  
41 22 seven members representing the following associations or state  
41 23 departments:

41 24 a. One member representing the Iowa school nutrition  
41 25 association.

41 26 b. One member representing the Iowa association for  
41 27 health, physical education, recreation and dance with  
41 28 expertise in health.  
41 29 c. One Iowa fruit or vegetable producer.  
41 30 d. One Iowa organic meat producer.  
41 31 e. The director of the Leopold center or the director's  
41 32 designee.  
41 33 f. The director of the department of agriculture and land  
41 34 stewardship or the director's designee.  
41 35 g. The director of the department of education or the  
42 1 director's designee.  
42 2 2. The members listed under subsection 1, paragraphs "a"  
42 3 through "d", shall be selected by the governor without senate  
42 4 confirmation and shall serve at the pleasure of the governor.  
42 5 Sec. 87. NEW SECTION. 190A.3 GOALS AND STRATEGIES.  
42 6 1. The program seeks to link elementary and secondary  
42 7 public and nonpublic schools in this state with Iowa farms to  
42 8 provide schools with fresh and minimally processed food for  
42 9 inclusion in school meals and snacks, encourages children to  
42 10 develop healthy eating habits, and provide Iowa farmers access  
42 11 to consumer markets.  
42 12 2. The farm-to-school program may include activities that  
42 13 provide students with hands-on learning opportunities, such as  
42 14 farm visits, cooking demonstrations, and school gardening and  
42 15 composting programs.  
42 16 3. The farm-to-school council shall seek to establish  
42 17 partnerships with public agencies and nonprofit organizations  
42 18 to implement a structure to facilitate communication between  
42 19 farmers and schools.  
42 20 4. The farm-to-school council shall actively seek  
42 21 financial or in-kind contributions from organizations or  
42 22 persons to support the program.  
42 23 Sec. 88. NEW SECTION. 190A.4 AGENCY COOPERATION.  
42 24 The department of agriculture and land stewardship and the  
42 25 department of education shall provide information regarding  
42 26 the Iowa farm-to-school program in an electronic format on the  
42 27 department's internet website.  
42 28 Sec. 89. NEW SECTION. 214A.2B LABORATORY FOR MOTOR FUEL  
42 29 AND BIOFUELS.  
42 30 A laboratory for motor fuel and biofuels is established at  
42 31 a merged area school which is engaged in biofuels testing on  
42 32 July 1, 2007, and which testing includes but is not limited to  
42 33 B20 biodiesel testing for motor trucks and the ability of  
42 34 biofuels to meet A.S.T.M. international standards. The  
42 35 laboratory shall conduct testing of motor fuel sold in this  
43 1 state and biofuel which is blended in motor fuel in this state  
43 2 to ensure that the motor fuel or biofuels meet the  
43 3 requirements in section 214A.2.  
43 4 Sec. 90. Section 216A.121, subsection 3, if enacted by  
43 5 2007 Iowa Acts, House File 826, section 1, is amended to read  
43 6 as follows:  
43 7 3. MEMBERSHIP.  
43 8 a. The commission shall consist of ~~twenty-one~~ twenty-two  
43 9 members, including ~~seventeen~~ eighteen voting members and four  
43 10 nonvoting members.  
43 11 (1) The voting members shall be as follows:  
43 12 (a) The governor or the governor's designee.  
43 13 (b) One member, appointed by the governor, who is an Iowa  
43 14 designated representative to the federal Abraham Lincoln  
43 15 bicentennial commission governors' council.  
43 16 (c) One member appointed by the president of Humanities  
43 17 Iowa.  
43 18 (d) One member appointed by the director of the department  
43 19 of economic development.  
43 20 (e) One member appointed by the administrator of the state  
43 21 historical society of Iowa.  
43 22 (f) One member appointed by the executive director of the  
43 23 Iowa arts council.  
43 24 (g) One member appointed by the executive director of the  
43 25 Iowa museum society.  
43 26 (h) One member appointed by the president of the league of  
43 27 Iowa human rights agencies.  
43 28 (i) One member appointed by the president of the Iowa  
43 29 league of cities.  
43 30 (ii) One member appointed by the executive director of the  
43 31 Iowa state association of counties.  
43 32 (j) One member appointed by the director of the department  
43 33 of education.  
43 34 (k) One member appointed by the chairperson of the state  
43 35 board of regents.  
44 1 (l) One member appointed by the president of the Iowa

44 2 library board.

44 3 (m) One member appointed by the chairperson of the Iowa  
44 4 state chapter of the national association for the advancement  
44 5 of colored people.

44 6 (n) Four public members, appointed by the governor, with a  
44 7 demonstrated interest in history and substantial knowledge and  
44 8 appreciation of Abraham Lincoln.

44 9 (2) The nonvoting members shall be two state  
44 10 representatives, one appointed by the speaker of the house of  
44 11 representatives and one by the minority leader of the house,  
44 12 and two state senators, one appointed by the majority leader  
44 13 of the senate and one by the minority leader of the senate.

44 14 b. ~~Nine Ten~~ voting members of the board shall constitute a  
44 15 quorum. Persons making appointments shall consult with one  
44 16 another to ensure that the commission is balanced by gender,  
44 17 political affiliation, and geographic location, and to ensure  
44 18 selection of members representing diverse interest groups.  
44 19 The provisions of chapters 21 and 22 shall apply to meetings  
44 20 and records of the commission.

44 21 c. The commission shall elect a chairperson and vice  
44 22 chairperson from the members of the commission. Commission  
44 23 members shall serve without compensation, but shall be  
44 24 reimbursed for actual and necessary expenses.

44 25 Sec. 91. Section 216A.136, subsection 5, Code 2007, is  
44 26 amended by striking the subsection.

44 27 Sec. 92. Section 237A.13, Code 2007, is amended by adding  
44 28 the following new subsection:

44 29 NEW SUBSECTION. 3A. The department's billing and payment  
44 30 provisions for the program shall allow providers to elect  
44 31 either biweekly or monthly billing and payment for child care  
44 32 provided under the program. The department shall remit  
44 33 payment to a provider within ten business days of receiving a  
44 34 bill or claim for services provided. However, if the  
44 35 department determines that a bill has an error or omission,  
45 1 the department shall notify the provider of the error or  
45 2 omission and identify any correction needed before issuance of  
45 3 payment to the provider. The department shall provide the  
45 4 notice within five business days of receiving the billing from  
45 5 the provider and shall remit payment to the provider within  
45 6 ten business days of receiving the corrected billing.

45 7 Sec. 93. Section 256C.3, subsection 5, if enacted by 2007  
45 8 Iowa Acts, House File 877, is amended by adding the following  
45 9 new paragraph:

45 10 NEW PARAGRAPH. d. The state board, in collaboration with  
45 11 the department, shall ensure that the administrative rules  
45 12 adopted to support the preschool program emphasize that  
45 13 children's access to the program is voluntary, that the  
45 14 preschool foundation aid provided to a school district is  
45 15 provided based upon the enrollment of eligible students in the  
45 16 school district's local program regardless of whether an  
45 17 eligible student is a resident of the school district, and  
45 18 that agreements entered into by a school district for the  
45 19 provision of programming in settings other than the school  
45 20 district's facilities are between the school district and the  
45 21 private provider.

45 22 Sec. 94. Section 272.27, Code 2007, is amended to read as  
45 23 follows:

45 24 272.27 ~~STUDENT TEACHING~~ EDUCATOR LICENSURE EXPERIENCES.

45 25 If the rules adopted by the board of educational examiners  
45 26 for issuance of any type or class of license require an  
45 27 applicant to complete work in student teaching, prestudent  
45 28 teaching experiences, field experiences, practicums, clinics,  
45 29 or internships, an accredited college or university located  
45 30 within the state of Iowa and states conterminous with Iowa may  
45 31 offer a program or programs of teacher education approved by  
45 32 the director of the department of education or the appropriate  
45 33 authority in states conterminous with Iowa by entering into a  
45 34 written contract with any ~~accredited~~ school district ~~or~~  
45 35 ~~private school, or any accredited or licensed private school~~

46 1 ~~or education agency~~ under terms and conditions as agreed upon  
46 2 by the contracting parties. Students actually ~~teaching~~  
46 3 engaged in preservice licensure activities in a school  
46 4 district under the terms of such a contract are entitled to  
46 5 the same protection, under section 670.8, as is afforded by  
46 6 that section to officers and employees of the school district,  
46 7 during the time they are so assigned.

46 8 Sec. 95. Section 284.13, subsection 1, paragraph d, as  
46 9 amended by 2007 Iowa Acts, Senate File 277, section 37, if  
46 10 enacted, is amended to read as follows:

46 11 d. (1) For the fiscal year beginning July 1, 2007, and  
46 12 ending June 30, 2008, up to twenty million dollars to the

46 13 department for use by school districts for professional  
46 14 development as provided in section 284.6. The department  
46 15 shall distribute funds allocated for the purpose of this  
46 16 paragraph based on the average per diem contract salary for  
46 17 each district as reported to the department for the school  
46 18 year beginning July 1, 2006, multiplied by the total number of  
46 19 full-time equivalent teachers in the base year. The  
46 20 department shall adjust each district's average per diem  
46 21 salary by the allowable growth rate established under section  
46 22 257.8 for the fiscal year beginning July 1, 2007. The  
46 23 contract salary amount shall be the amount paid for their  
46 24 regular responsibilities but shall not include pay for  
46 25 extracurricular activities. These funds shall not supplant  
46 26 existing funding for professional development activities.  
46 27 Notwithstanding any provision to the contrary, moneys received  
46 28 by a school district under this paragraph shall not revert but  
46 29 shall remain available for the same purpose in the succeeding  
46 30 fiscal year. A school district shall submit a report to the  
46 31 department in a manner determined by the department describing  
46 32 its use of the funds received under this paragraph. The  
46 33 department shall submit a report on school district use of the  
46 34 moneys distributed pursuant to this paragraph to the general  
46 35 assembly and the legislative services agency not later than  
47 1 January 15 of the fiscal year for which moneys are allocated  
47 2 for purposes of this paragraph.

47 3 (2) From moneys available under subparagraph (1) for the  
47 4 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
47 5 the department shall allocate to area education agencies an  
47 6 amount per teacher employed by an area education agency that  
47 7 is approximately equivalent to the average per teacher amount  
47 8 allocated to the districts. The average per teacher amount  
47 9 shall be calculated by dividing the total number of teachers  
47 10 employed by school districts and the teachers employed by area  
47 11 education agencies into the total amount of moneys available  
47 12 under subparagraph (1).

47 13 Sec. 96. Section 303.1, Code 2007, is amended by adding  
47 14 the following new subsection:

47 15 NEW SUBSECTION. 7. The department may develop and  
47 16 implement fee-based educational programming opportunities,  
47 17 including preschool programs, related to arts, history, and  
47 18 other cultural matters for Iowans of all ages.

47 19 Sec. 97. Section 313.2, unnumbered paragraph 5, Code 2007,  
47 20 as amended by 2007 Iowa Acts, Senate File 403, section 36, if  
47 21 enacted, is amended to read as follows:

47 22 The department, either alone or in cooperation with any  
47 23 county, may utilize any land acquired incidental to the  
47 24 acquisition of land for highway right of way and to also  
47 25 accept by gift, lands not exceeding two acres in area for  
47 26 roadside parks and parking areas. The department may furnish  
47 27 necessary maintenance. The department also may accept by  
47 28 gift, equipment or other installations incidental to the use  
47 29 of such parks and parking areas. Such parks and parking areas  
47 30 shall be a part of the primary road system and the department  
47 31 may at its discretion sell or otherwise dispose of such lands.

47 32 The Except for transactions to transfer the jurisdiction of  
47 33 streets or highways, the sale, exchange, or other means of  
47 34 disposal of any real property with a fair market value of five  
47 35 million dollars or more requires the prior authorization of a  
48 1 constitutional majority of each house of the general assembly  
48 2 and approval by the governor.

48 3 Sec. 98. NEW SECTION. 314.29 SIGNAGE HONORING HIGHWAY  
48 4 PATROL MEMBERS.

48 5 The department, in consultation with the state patrol,  
48 6 shall erect and maintain appropriate signs along primary  
48 7 highways designating certain segments as memorials to  
48 8 individual members of the state patrol killed in the line of  
48 9 duty, provided that sufficient funds are available for the  
48 10 purpose. The department may use any combination of public or  
48 11 private moneys available and not otherwise restricted to pay  
48 12 the costs of providing the memorial designations.

48 13 Sec. 99. Section 321.20B, subsection 2, paragraph b, Code  
48 14 2007, is amended to read as follows:

48 15 b. ~~The insurance division and the department, as~~  
48 16 ~~appropriate,~~ shall adopt rules regarding the contents of a  
48 17 financial liability coverage card to be issued pursuant to  
48 18 this section.

48 19 (1) Notwithstanding the provisions of this section, a  
48 20 fleet owner who is issued a certificate of self-insurance  
48 21 pursuant to section 321A.34, subsection 1, is not required to  
48 22 maintain in each vehicle a financial liability coverage card  
48 23 with the individual registration number or the vehicle

48 24 identification number of the vehicle included on the card.  
48 25 Such fleet owner shall be required to maintain a financial  
48 26 liability coverage card in each vehicle in the fleet including  
48 27 information deemed appropriate by the ~~commissioner of~~  
~~48 28 insurance or the director, as applicable.~~

~~48 29 (2) An association of individual members that is issued a  
48 30 certificate of self-insurance pursuant to section 321A.34,  
48 31 subsection 2, is required to maintain in each vehicle of an  
48 32 individual member a financial liability coverage card that  
48 33 complies with the provisions of this section and in addition  
48 34 contains information relating to the association and the  
48 35 association's certificate of self-insurance as is deemed  
49 1 appropriate by the director.~~

49 2 Sec. 100. Section 321.34, subsection 8, Code 2007, as  
49 3 amended by 2007 Iowa Acts, House File 749, if enacted, is  
49 4 amended to read as follows:

49 5 8. MEDAL OF HONOR PLATES. The owner of a motor vehicle  
49 6 subject to registration under section 321.109, subsection 1,  
49 7 motorcycle, trailer, or motor truck who has been awarded the  
49 8 medal of honor may, upon written application to the  
49 9 department, order special registration plates which shall be  
49 10 red, white, and blue in color and shall bear an emblem of the  
49 11 medal of honor and an identifying number. Each applicant  
49 12 applying for special registration plates under this subsection  
49 13 may ~~purchase order~~ only one set of registration plates under  
49 14 this subsection. The application is subject to approval by  
49 15 the department and the special registration plates shall be  
49 16 issued at no charge to the applicant in exchange for the  
49 17 registration plates previously issued to the person. ~~The  
49 18 special plates are subject to an annual registration fee of  
49 19 fifteen dollars. A person who is issued special plates under  
49 20 this subsection is exempt from payment of any annual  
49 21 registration fee for the motor vehicle bearing the special  
49 22 plates.~~ The department shall validate the special plates in  
49 23 the same manner as regular registration plates are validated  
49 24 under this section. The department shall not issue special  
49 25 registration plates until service organizations in the state  
49 26 have furnished the department either the special dies or the  
49 27 cost of the special dies necessary for the manufacture of the  
49 28 special registration plate.

49 29 The surviving spouse of a person who was issued special  
49 30 plates under this subsection may continue to use the special  
49 31 plates subject to registration of the special plates in the  
49 32 surviving spouse's name ~~and upon payment of the fifteen dollar  
49 33 annual registration fee.~~ If the surviving spouse remarries,  
49 34 the surviving spouse shall return the special plates to the  
49 35 department and the department shall issue regular registration  
50 1 plates to the surviving spouse.

50 2 Sec. 101. Section 321.34, subsection 12A, Code 2007, as  
50 3 amended by 2007 Iowa Acts, House File 749, if enacted, is  
50 4 amended by striking the subsection and inserting in lieu  
50 5 thereof the following:

50 6 12A. SPECIAL REGISTRATION PLATES == ARMED FORCES SERVICES.

50 7 a. An owner of a vehicle referred to in subsection 12 who  
50 8 applies for any type of special registration plates associated  
50 9 with service in the United States armed forces shall be issued  
50 10 one set of the special registration plates at no charge, but  
50 11 shall be subject to the annual registration fee of fifteen  
50 12 dollars, if the owner is eligible for, but has relinquished to  
50 13 the department or the county treasurer or has not been issued,  
50 14 ex-prisoner of war or legion of merit special registration  
50 15 plates under this section.

50 16 b. An owner of a vehicle referred to in subsection 12 who  
50 17 applies for any type of special registration plates associated  
50 18 with service in the United States armed forces shall be issued  
50 19 one set of the special registration plates at no charge and  
50 20 subject to no annual registration fee if the owner is eligible  
50 21 for, but has relinquished to the department or the county  
50 22 treasurer or has not been issued, medal of honor registration  
50 23 plates under subsection 8 or disabled veteran registration  
50 24 plates under section 321.105.

50 25 c. The owner shall provide the appropriate information  
50 26 regarding the owner's eligibility for any of the special  
50 27 registration plates described in paragraph "a" or "b", and  
50 28 regarding the owner's eligibility for the special registration  
50 29 plates for which the owner has applied, as required by the  
50 30 department.

50 31 d. The surviving spouse of a person who was issued special  
50 32 plates under this subsection may continue to use the special  
50 33 plates subject to registration of the special plates in the  
50 34 surviving spouse's name and upon payment of the same annual

50 35 registration fee, if applicable. If the surviving spouse  
51 1 remarries, the surviving spouse shall return the special  
51 2 plates to the department and the department shall issue  
51 3 regular registration plates to the surviving spouse.  
51 4 Sec. 102. Section 321A.34, subsections 1 and 2, Code 2007,  
51 5 are amended to read as follows:  
51 6 1. a. Any person in whose name more than twenty-five  
51 7 motor vehicles are registered may qualify as a self-insurer by  
51 8 obtaining a certificate of self-insurance issued by the  
51 9 department as provided in ~~subsection 2 of this section~~  
51 10 paragraph "b".  
51 11 ~~2. b.~~ The department may, upon the application of such a  
51 12 person, issue a certificate of self-insurance if the  
51 13 department is satisfied that the person has and will continue  
51 14 to have the ability to pay judgments obtained against the  
51 15 person for damages arising out of the ownership, maintenance,  
51 16 or use of any vehicle owned by the person. A person issued a  
51 17 certificate of self-insurance pursuant to this ~~section~~  
51 18 subsection shall maintain a financial liability coverage card  
51 19 as provided in section 321.20B, subsection 2, paragraph "b",  
51 20 subparagraph (1).  
51 21 2. a. Any association of individual members that is a  
51 22 legal entity with the power to sue and be sued in its own name  
51 23 and which is composed of individual members in whose names a  
51 24 total of more than twenty-five motor vehicles are registered,  
51 25 may qualify as a self-insurer by obtaining a certificate of  
51 26 insurance issued by the department as provided in paragraph  
51 27 "b".  
51 28 b. The department may, upon the application of such an  
51 29 association, issue a certificate of self-insurance if the  
51 30 department is satisfied that the association has and will  
51 31 continue to have the ability to pay judgments obtained against  
51 32 the association or against an individual member of the  
51 33 association for damages arising out of the ownership,  
51 34 maintenance, or use of any vehicle owned by an individual  
51 35 member of the association. An association issued a  
52 1 certificate of self-insurance pursuant to this paragraph shall  
52 2 maintain a financial liability coverage card as provided in  
52 3 section 321.20B, subsection 2, paragraph "b", subparagraph  
52 4 (2).  
52 5 Sec. 103. Section 321E.8A, subsection 2, if enacted by  
52 6 2007 Iowa Acts, House File 793, is amended to read as follows:  
52 7 2. A vehicle described in subsection 1 shall not be  
52 8 operated on a highway without a permit issued under this  
52 9 section. The owner of a vehicle that is operated in violation  
52 10 of section 321E.7, subsection 4, or this section is subject to  
52 11 a civil penalty of ~~ten thousand three hundred~~ dollars, in  
52 12 addition to any other penalties that may apply.  
52 13 Sec. 104. Section 388.2, unnumbered paragraph 2, Code  
52 14 2007, is amended to read as follows:  
52 15 ~~The~~ Upon the council's own motion, the proposal may be  
52 16 submitted to the voters at any the general election, the  
52 17 regular city election by the council on its own motion, or at  
52 18 a special election called for that purpose. Upon receipt of a  
52 19 valid petition as defined in section 362.4, requesting that a  
52 20 proposal be submitted to the voters, the council shall submit  
52 21 the proposal at the next regular city election.  
52 22 Sec. 105. Section 388.2, Code 2007, is amended by adding  
52 23 the following new unnumbered paragraph after unnumbered  
52 24 paragraph 2:  
52 25 NEW UNNUMBERED PARAGRAPH. If the special election is to  
52 26 establish a gas or electric utility pursuant to this section,  
52 27 or if such a proposal is to be included on the ballot at the  
52 28 regular city or general election, the mayor or council shall  
52 29 give notice as required by section 376.1 to the county  
52 30 commissioner of elections and to any utility whose property  
52 31 would be affected by such election not less than sixty days  
52 32 before the proposed date of the special, regular city, or  
52 33 general election.  
52 34 Sec. 106. Section 422.11S, subsection 7, paragraph a,  
52 35 subparagraph (2), Code 2007, is amended to read as follows:  
53 1 (2) "Total approved tax credits" means for the tax year  
53 2 beginning in the 2006 calendar year, two million five hundred  
53 3 thousand dollars, ~~and for the tax years year beginning on or~~  
53 4 ~~after January 1, in the 2007 calendar year, five million~~  
53 5 ~~dollars, and for tax years beginning on or after January 1,~~  
53 6 ~~2008, seven million five hundred thousand dollars.~~  
53 7 Sec. 107. Section 423.3, subsection 89, Code 2007, is  
53 8 amended to read as follows:  
53 9 89. a. The sales price of all goods, wares, or  
53 10 merchandise sold, or of services furnished, which are used in

53 11 the fulfillment of a written construction contract for the  
53 12 original construction of a building or structure to be used as  
53 13 a collaborative educational facility.

53 14 b. The sales price of all goods, wares, or merchandise  
53 15 sold, or of services furnished, which are used in the  
53 16 fulfillment of a written construction contract for the  
53 17 construction of additions or modifications to a building or  
53 18 structure used as part of a collaborative educational  
53 19 facility.

53 20 c. To receive the exemption provided in paragraph "a" or  
53 21 "b", a collaborative educational facility must meet all of the  
53 22 following criteria in paragraph "d" or "e":

53 23 d. (1) The contract for construction of the building or  
53 24 structure is entered into on or after April 1, 2003.

53 25 (2) The building or structure is located within the  
53 26 corporate limits of a city in the state with a population in  
53 27 excess of one hundred ninety-five thousand residents.

53 28 (3) The sole purpose of the building or structure is to  
53 29 provide facilities for a collaborative of public and private  
53 30 educational institutions that provide education to students.

53 31 (4) The owner of the building or structure is a nonprofit  
53 32 corporation governed by chapter 504 or former chapter 504A  
53 33 which is exempt from federal income tax pursuant to section  
53 34 501(a) of the Internal Revenue Code.

53 35 e. (1) The contract for construction of the building or  
54 1 structure is entered into on or after May 15, 2007.

54 2 (2) The sole purpose of the building or structure is to  
54 3 provide facilities for a regional academy under a  
54 4 collaborative of public and private educational institutions  
54 5 that includes a community college established under chapter  
54 6 260C that provide education to students.

54 7 (3) The owner of the building or structure is a qualified  
54 8 charitable nonprofit corporation governed by chapter 504 or  
54 9 former chapter 504A which is exempt from federal income tax  
54 10 pursuant to section 501(c)(3) of the Internal Revenue Code.

54 11 f. References to "building" or "structure" in  
54 12 ~~subparagraphs (1) through (4) paragraphs "d" and "e" include~~  
54 13 any additions or modifications to the building or structure.  
54 14 Sec. 108. Section 452A.3, subsection 1, unnumbered  
54 15 paragraph 1, Code 2007, is amended to read as follows:  
54 16 Except as otherwise provided in this section and in this  
54 17 division, until June 30, ~~2007~~ 2012, this subsection shall  
54 18 apply to the excise tax imposed on each gallon of motor fuel  
54 19 used for any purpose for the privilege of operating motor  
54 20 vehicles in this state.

54 21 Sec. 109. Section 452A.3, subsection 1A, Code 2007, is  
54 22 amended to read as follows:  
54 23 1A. Except as otherwise provided in this section and in  
54 24 this division, after June 30, ~~2007~~ 2012, an excise tax of  
54 25 twenty cents is imposed on each gallon of motor fuel used for  
54 26 any purpose for the privilege of operating motor vehicles in  
54 27 this state.

54 28 Sec. 110. Section 455B.306, Code 2007, is amended by  
54 29 adding the following new subsection:  
54 30 NEW SUBSECTION. 12. This section shall not apply to a  
54 31 sanitary landfill project owned by an electric generating  
54 32 facility and used exclusively for the disposal of coal  
54 33 combustion residue. Notwithstanding section 455B.301,  
54 34 subsection 8, a utility under this subsection may demonstrate  
54 35 financial assurance through the use of a secured trust fund, a  
55 1 cash or surety bond, a corporate financial test as provided by  
55 2 the department, the obtaining of an irrevocable letter of  
55 3 credit, or an alternative method as provided by the  
55 4 department. The financial assurance instrument submitted must  
55 5 ensure the facility's financial capability to provide  
55 6 reasonable and necessary response during the lifetime of the  
55 7 project and for a specified period of time following closure  
55 8 as required by rules adopted by the commission.

55 9 Sec. 111. Section 463C.17, Code 2007, is amended to read  
55 10 as follows:  
55 11 463C.17 EXEMPTION FROM COMPETITIVE BID LAWS.  
55 12 The authority, the department, and their agents and  
55 13 contracts entered into by the authority, the department, and  
55 14 their agents, in carrying out its public and essential  
55 15 governmental functions are exempt from the laws of the state  
55 16 which provide for competitive bids, term=length, and hearings  
55 17 in connection with contracts, except as provided in section  
55 18 12.30. However, the exemption from competitive bid laws in  
55 19 this section shall not be construed to apply to contracts for  
55 20 the development of the park or the development or construction  
55 21 of facilities in the park, including, but not limited to,



55 22 lodges, campgrounds, cabins, and golf courses.  
55 23 Sec. 112. Section 717F.1, subsection 1, if enacted by 2007  
55 24 Iowa Acts, Senate File 564, section 1, is amended to read as  
55 25 follows:  
55 26 1. "Agricultural animal" means ~~the same as an agricultural~~  
55 27 animal as defined in section 717A.1 other than swine which is  
55 28 a member of the species sus scrofa linnaeus, including but not  
55 29 limited to swine commonly known as Russian boar or European  
55 30 boar of either sex.  
55 31 Sec. 113. Section 717F.1, subsection 3, paragraph b, if  
55 32 enacted by 2007 Iowa Acts, Senate File 564, section 1, is  
55 33 amended to read as follows:  
55 34 b. "Circus" does not include a person, regardless of  
55 35 whether the person is a holder of a class "C" license as  
56 1 provided in paragraph "a", who ~~does any of the following:~~  
56 2 ~~(1) Keeps a dangerous wild animal which is a member of the~~  
56 3 ~~order carnivora within the family felidae or the family~~  
56 4 ~~ursidae, as described in this section.~~  
56 5 ~~(2) Uses the uses a dangerous wild animal for any of the~~  
56 6 following purposes:  
56 7 ~~(a) (1) A presentation to children at a public or~~  
56 8 ~~nonpublic school as defined in section 280.2.~~  
56 9 ~~(b) (2) Entertainment that involves an activity in which~~  
56 10 ~~a member of the public is in close proximity to the dangerous~~  
56 11 ~~wild animal, including but not limited to a contest or a~~  
56 12 ~~photographic opportunity.~~  
56 13 Sec. 114. Section 717F.1, subsection 5, paragraph a, if  
56 14 enacted by 2007 Iowa Acts, Senate File 564, section 1, is  
56 15 amended by adding the following new subparagraph:  
56 16 NEW SUBPARAGRAPH. (\_\_\_) Swine which is a member of the  
56 17 species sus scrofa linnaeus, including but not limited to  
56 18 swine commonly known as Russian boar or European boar of  
56 19 either sex.  
56 20 Sec. 115. Section 717F.7, subsection 3, if enacted by 2007  
56 21 Iowa Acts, Senate File 564, section 7, is amended to read as  
56 22 follows:  
56 23 3. A person who keeps falcons, if the person has been  
56 24 issued a falconry license by the department of natural  
56 25 resources pursuant to section 483A.1.  
56 26 Sec. 116. Section 717F.7, subsection 13, if enacted by  
56 27 2007 Iowa Acts, Senate File 564, section 7, is amended to read  
56 28 as follows:  
56 29 13. A location operated by a person licensed to practice  
56 30 veterinary medicine pursuant to chapter 169. However, this  
56 31 subsection shall not apply to a swine which is a member of the  
56 32 species sus scrofa linnaeus, including but not limited to  
56 33 swine commonly known as Russian boar or European boar of  
56 34 either sex.  
56 35 Sec. 117. Section 717F.8, subsection 2, if enacted by 2007  
57 1 Iowa Acts, Senate File 564, section 8, is amended by adding  
57 2 the following new paragraph:  
57 3 NEW PARAGRAPH. \_\_\_. Ten dollars for swine which is a  
57 4 member of the species sus scrofa linnaeus, including but not  
57 5 limited to swine commonly known as Russian boar or European  
57 6 boar of either sex.  
57 7 Sec. 118. Section 904.602, subsection 2, paragraph m, Code  
57 8 2007, is amended by striking the paragraph.  
57 9 Sec. 119. Section 909.3A, Code 2007, is amended to read as  
57 10 follows:  
57 11 909.3A COMMUNITY SERVICE OPTION.  
57 12 The court may, in its discretion, order the defendant to  
57 13 perform community service work of an equivalent value to the  
57 14 fine imposed where it appears that the community service work  
57 15 will be adequate to deter the defendant and to discourage  
57 16 others from similar criminal activity. The rate at which  
57 17 community service shall be calculated shall be the federal or  
57 18 state minimum wage, whichever is higher.  
57 19 Sec. 120. REFUNDS. Refunds of taxes, interest, or  
57 20 penalties which arise from claims resulting from the amendment  
57 21 to section 423.3, subsection 89, in this division of this Act  
57 22 for the exemption of the sales of goods, wares, and  
57 23 merchandise, and the furnishing of services used in the  
57 24 fulfillment of a written construction contract for the  
57 25 original construction of a building or structure to be used as  
57 26 a collaborative educational facility occurring between May 15,  
57 27 2007, and June 30, 2007, shall not be allowed unless refund  
57 28 claims are filed by October 1, 2007, notwithstanding any other  
57 29 provision of law.  
57 30 Sec. 121. NATIVE WINE MANUFACTURERS == WINE GALLONAGE TAX  
57 31 EXCEPTION.  
57 32 Notwithstanding any provision of section 123.183 to the

57 33 contrary, wine imported into this state prior to June 1, 2007,  
57 34 and used for manufacturing native wine shall not be subject to  
57 35 the wine gallonage tax as provided by that section.  
58 1 Sec. 122. RESEARCH AND DEVELOPMENT PREKINDERGARTEN THROUGH  
58 2 GRADE TWELVE SCHOOL == FEASIBILITY STUDY. The department of  
58 3 education and the university of northern Iowa shall convene a  
58 4 task force to study the feasibility of creating a research and  
58 5 development prekindergarten through grade twelve school for  
58 6 the state of Iowa. The task force shall include, at a  
58 7 minimum, university of northern Iowa faculty and  
58 8 representatives from other institutions governed by the state  
58 9 board of regents and from school districts which offer  
58 10 prekindergarten through grade twelve. The task force shall  
58 11 address the possibilities of creating a site where innovative  
58 12 and promising practices can be studied and implemented to  
58 13 improve the achievement of students in prekindergarten through  
58 14 grade twelve, processes in which the findings of such studies  
58 15 are shared with Iowa educators, and an appropriate governance  
58 16 structure, and shall address the necessary funding and funding  
58 17 sources for the school. The task force shall consider the  
58 18 existing laboratory school located at the university of  
58 19 northern Iowa as the site for the research and development  
58 20 prekindergarten through grade twelve school. The task force  
58 21 shall submit its findings and recommendations in a report to  
58 22 the general assembly, the state board of education, and the  
58 23 state board of regents by January 14, 2008.

58 24 Sec. 123. EFFECTIVE DATE.

58 25 1. The section of this division of this Act amending  
58 26 section 28D.3, subsection 4, being deemed of immediate  
58 27 importance, takes effect upon enactment.

58 28 2. The section of this division of this Act providing an  
58 29 exception to the imposition of the wine gallonage tax for  
58 30 native wine manufacturers, being deemed of immediate  
58 31 importance, takes effect upon enactment.

58 32 Sec. 124. EFFECTIVE DATE. The sections of this division  
58 33 of this Act amending section 321.34, subsections 8 and 12A,  
58 34 being deemed of immediate importance, take effect upon  
58 35 enactment.

59 1 Sec. 125. EFFECTIVE DATE. The section of this division of  
59 2 this Act establishing a prekindergarten through grade twelve  
59 3 feasibility study, being deemed of immediate importance, takes  
59 4 effect upon enactment.

59 5 Sec. 126. 2007 Iowa Acts, Senate File 403, section 5, if  
59 6 enacted, is repealed.

59 7 Sec. 127. 2007 Iowa Acts, Senate File 403, section 34, if  
59 8 enacted, is repealed.

59 9 Sec. 128. Sections 811.2A and 901.4, Code 2007, are  
59 10 repealed.

#### 59 11 DIVISION VI

#### 59 12 ELDER SERVICES

59 13 Sec. 129. Section 231B.1, subsection 1, Code 2007, is  
59 14 amended to read as follows:

59 15 1. "Department" means the department of ~~elder affairs~~  
59 16 inspections and appeals or the department's designee.

59 17 Sec. 130. Section 231B.1A, subsection 3, Code 2007, is  
59 18 amended by striking the subsection.

59 19 Sec. 131. Section 231B.2, subsection 1, unnumbered  
59 20 paragraph 1, Code 2007, is amended to read as follows:

59 21 The department shall establish by rule, in accordance with  
59 22 chapter 17A, minimum standards for certification and  
59 23 monitoring of elder group homes. The department may adopt by  
59 24 reference, with or without amendment, nationally recognized  
59 25 standards and rules for elder group homes. The standards and  
59 26 rules shall be formulated in consultation with ~~the department~~  
59 27 ~~of inspections and appeals~~ affected state agencies and  
59 28 affected industry, professional, and consumer groups; ~~i~~ shall  
59 29 be designed to accomplish the purposes of this chapter; ~~i~~ and  
59 30 shall include but not be limited to rules relating to all of  
59 31 the following:

59 32 Sec. 132. Section 231B.2, subsection 1, paragraph b, Code  
59 33 2007, is amended to read as follows:

59 34 b. Requirements that elder group homes furnish the  
59 35 department of ~~elder affairs~~ and the department of ~~inspections~~  
60 1 ~~and appeals~~ with specified information necessary to administer  
60 2 this chapter. All information related to the provider  
60 3 application for an elder group home presented to ~~either~~ the  
60 4 department of ~~inspections and appeals~~ or the department of  
60 5 ~~elder affairs~~ shall be considered a public record pursuant to  
60 6 chapter 22.

60 7 Sec. 133. Section 231B.2, subsection 2, Code 2007, is  
60 8 amended to read as follows:

60 9 2. Each elder group home operating in this state shall be  
60 10 certified by the department ~~of inspections and appeals~~.

60 11 Sec. 134. Section 231B.2, subsection 5, unnumbered  
60 12 paragraph 1, Code 2007, is amended to read as follows:

60 13 ~~The department of inspections and appeals~~ may enter into  
60 14 contracts to provide certification and monitoring of elder  
60 15 group homes. ~~The department of inspections and appeals~~ shall:  
60 16 Sec. 135. Section 231B.2, subsection 6, 7, 9, and 10, Code  
60 17 2007, are amended to read as follows:

60 18 6. A department, agency, or officer of this state or of  
60 19 any governmental unit shall not pay or approve for payment  
60 20 from public funds any amount to an elder group home for an  
60 21 actual or prospective tenant, unless the program holds a  
60 22 current certificate issued by the department ~~of inspections~~  
~~and appeals~~ and meets all current requirements for  
60 24 certification.

60 25 7. The department shall adopt rules regarding the  
60 26 conducting or operating of another business or activity in the  
60 27 distinct part of the physical structure in which the elder  
60 28 group home is operated, if the business or activity serves  
60 29 persons who are not tenants. The rules shall be developed in  
60 30 consultation with ~~the department of inspections and appeals~~  
60 31 affected state agencies and affected industry, professional,  
60 32 and consumer groups.

60 33 9. ~~The department of elder affairs and the department of~~  
~~inspections and appeals~~ shall conduct joint training sessions  
60 35 for personnel responsible for conducting monitoring  
61 1 evaluations and complaint investigations of elder group homes.

61 2 10. Certification shall be for two years unless revoked  
61 3 for good cause by the department ~~of inspections and appeals~~.

61 4 Sec. 136. Section 231B.3, subsection 2, Code 2007, is  
61 5 amended to read as follows:

61 6 2. A person who has knowledge that an elder group home is  
61 7 operating without certification shall report the name and  
61 8 address of the home to the department ~~of inspections and~~  
~~inspections and appeals~~. The department ~~of inspections and appeals~~ shall  
61 10 investigate a report made pursuant to this section.

61 11 Sec. 137. Section 231B.4, Code 2007, is amended to read as  
61 12 follows:

61 13 231B.4 ZONING == FIRE AND SAFETY STANDARDS.

61 14 An elder group home shall be located in an area zoned for  
61 15 single-family or multiple-family housing or in an  
61 16 unincorporated area and shall be constructed in compliance  
61 17 with applicable local housing codes and the rules adopted for  
61 18 the special classification by the state fire marshal. In the  
61 19 absence of local building codes, the facility shall comply  
61 20 with the state plumbing code established pursuant to section  
61 21 135.11 and the state building code established pursuant to  
61 22 section 103A.7 and the rules adopted for the special  
61 23 classification by the state fire marshal. The rules adopted  
61 24 for the special classification by the state fire marshal  
61 25 regarding second floor occupancy shall be adopted in  
61 26 consultation with the department ~~of elder affairs~~ and shall  
61 27 take into consideration the mobility of the tenants.

61 28 Sec. 138. Section 231B.5, subsection 3, Code 2007, is  
61 29 amended to read as follows:

61 30 3. Occupancy agreements and related documents executed by  
61 31 each tenant or tenant's legal representative shall be  
61 32 maintained by the elder group home from the date of execution  
61 33 until three years from the date the occupancy agreement is  
61 34 terminated. A copy of the most current occupancy agreement  
61 35 shall be provided to members of the general public, upon  
62 1 request. Occupancy agreements and related documents shall be  
62 2 made available for on-site inspection to the department ~~of~~  
~~inspections and appeals~~ upon request and at reasonable times.

62 4 Sec. 139. Section 231B.6, subsection 1, unnumbered  
62 5 paragraph 1, Code 2007, is amended to read as follows:

62 6 If an elder group home initiates the involuntary transfer  
62 7 of a tenant and the action is not a result of a monitoring  
62 8 evaluation or complaint investigation by the department ~~of~~  
~~inspections and appeals~~, and if the tenant or tenant's legal  
62 10 representative contests the transfer, the following procedure  
62 11 shall apply:

62 12 Sec. 140. Section 231B.6, subsection 2, Code 2007, is  
62 13 amended to read as follows:

62 14 2. The department, in consultation with ~~the department of~~  
~~inspections and appeals~~ affected state agencies and affected  
62 16 industry, professional, and consumer groups, shall establish  
62 17 by rule, in accordance with chapter 17A, procedures to be  
62 18 followed, including the opportunity for hearing, when the  
62 19 transfer of a tenant results from a monitoring evaluation or

62 20 complaint investigation conducted by the department of  
62 21 ~~inspections and appeals.~~

62 22 Sec. 141. Section 231B.7, Code 2007, is amended to read as  
62 23 follows:

62 24 231B.7 COMPLAINTS.

62 25 1. Any person with concerns regarding the operations or  
62 26 service delivery of an elder group home may file a complaint  
62 27 with the department of ~~inspections and appeals~~. The name of  
62 28 the person who files a complaint with the department of  
62 29 ~~inspections and appeals~~ and any personal identifying  
62 30 information of the person or any tenant identified in the  
62 31 complaint shall be kept confidential and shall not be subject  
62 32 to discovery, subpoena, or other means of legal compulsion for  
62 33 its release to a person other than department of ~~inspections~~  
62 34 ~~and appeals~~ employees involved with the complaint.

62 35 2. The department, ~~in cooperation with the department of~~  
63 1 ~~inspections and appeals~~, shall establish procedures for the  
63 2 disposition of complaints received in accordance with this  
63 3 section.

63 4 Sec. 142. Section 231B.8, Code 2007, is amended to read as  
63 5 follows:

63 6 231B.8 INFORMAL REVIEW.

63 7 1. If an elder group home contests the findings of  
63 8 regulatory insufficiencies of a monitoring evaluation or  
63 9 complaint investigation, the program shall submit written  
63 10 information, demonstrating that the program was in compliance  
63 11 with the applicable requirement at the time of the monitoring  
63 12 evaluation or complaint investigation of the regulatory  
63 13 insufficiencies, to the department of ~~inspections and appeals~~  
63 14 for review.

63 15 2. The department of ~~inspections and appeals~~ shall review  
63 16 the written information submitted within ten working days of  
63 17 the receipt of the information. At the conclusion of the  
63 18 review, the department of ~~inspections and appeals~~ may affirm,  
63 19 modify, or dismiss the regulatory insufficiencies. The  
63 20 department of ~~inspections and appeals~~ shall notify the program  
63 21 in writing of the decision to affirm, modify, or dismiss the  
63 22 regulatory insufficiencies, and the reasons for the decision.

63 23 3. In the case of a complaint investigation, the  
63 24 department of ~~inspections and appeals~~ shall also notify the  
63 25 complainant, if known, of the decision and the reasons for the  
63 26 decision.

63 27 Sec. 143. Section 231B.9, Code 2007, is amended to read as  
63 28 follows:

63 29 231B.9 PUBLIC DISCLOSURE OF FINDINGS.

63 30 Upon completion of a monitoring evaluation or complaint  
63 31 investigation of an elder group home by the department of  
63 32 ~~inspections and appeals~~ pursuant to this chapter, including  
63 33 the conclusion of all administrative appeals processes, the  
63 34 ~~department of inspections and appeals~~ department's final  
63 35 findings with respect to compliance by the elder group home  
64 1 with requirements for certification shall be made available to  
64 2 the public in a readily available form and place. Other  
64 3 information relating to an elder group home that is obtained  
64 4 by the department of ~~inspections and appeals~~ which does not  
64 5 constitute the ~~department of inspections and appeals~~  
64 6 department's final findings from a monitoring evaluation or  
64 7 complaint investigation of the elder group home shall ~~be made~~  
64 8 ~~available to the department of elder affairs upon request to~~  
64 9 ~~facilitate policy decisions, but shall not be made available~~  
64 10 to the public except in proceedings involving the denial,  
64 11 suspension, or revocation of a certificate under this chapter.

64 12 Sec. 144. Section 231B.10, subsection 1, unnumbered  
64 13 paragraph 1, Code 2007, is amended to read as follows:

64 14 The department of ~~inspections and appeals~~ may deny,  
64 15 suspend, or revoke a certificate in any case where the  
64 16 department of ~~inspections and appeals~~ finds that there has  
64 17 been a substantial or repeated failure on the part of the  
64 18 elder group home to comply with this chapter or minimum  
64 19 standards adopted under this chapter or for any of the  
64 20 following reasons:

64 21 Sec. 145. Section 231B.10, subsection 2, Code 2007, is  
64 22 amended to read as follows:

64 23 2. The department of ~~inspections and appeals~~ may as an  
64 24 alternative to denial, suspension, or revocation conditionally  
64 25 issue or continue a certificate dependent upon the performance  
64 26 by the elder group home of reasonable conditions within a  
64 27 reasonable period of time as set by the department of  
64 28 ~~inspections and appeals~~ so as to permit the program to  
64 29 commence or continue the operation of the elder group home  
64 30 pending full compliance with this chapter or the rules adopted

64 31 pursuant to this chapter. If the elder group home does not  
64 32 make diligent efforts to comply with the conditions  
64 33 prescribed, the department ~~of inspections and appeals~~ may,  
64 34 under the proceedings prescribed by this chapter, deny,  
64 35 suspend, or revoke the certificate. An elder group home shall  
65 1 not be operated on a conditional certificate for more than one  
65 2 year.

65 3 Sec. 146. Section 231B.11, Code 2007, is amended to read  
65 4 as follows:

65 5 231B.11 NOTICE == APPEAL == EMERGENCY PROVISIONS.

65 6 1. The denial, suspension, or revocation of a certificate  
65 7 shall be effected by delivering to the applicant or  
65 8 certificate holder by restricted certified mail or by personal  
65 9 service a notice setting forth the particular reasons for such  
65 10 action. Such denial, suspension, or revocation shall become  
65 11 effective thirty days after the mailing or service of the  
65 12 notice, unless the applicant or certificate holder, within  
65 13 such thirty-day period, requests a hearing, in writing, of the  
65 14 department ~~of inspections and appeals~~, in which case the  
65 15 notice shall be deemed to be suspended.

65 16 2. The denial, suspension, or revocation of a certificate  
65 17 may be appealed in accordance with rules adopted by the  
65 18 department ~~of inspections and appeals~~ in accordance with  
65 19 chapter 17A.

65 20 3. When the department ~~of inspections and appeals~~ finds  
65 21 that an imminent danger to the health or safety of a tenant of  
65 22 an elder group home exists which requires action on an  
65 23 emergency basis, the department ~~of inspections and appeals~~ may  
65 24 direct removal of all tenants of the elder group home and  
65 25 suspend the certificate prior to a hearing.

65 26 Sec. 147. Section 231B.12, Code 2007, is amended to read  
65 27 as follows:

65 28 231B.12 DEPARTMENT NOTIFIED OF CASUALTIES.

65 29 The department ~~of inspections and appeals~~ shall be notified  
65 30 within twenty-four hours, by the most expeditious means  
65 31 available, of any accident causing substantial injury or death  
65 32 to a tenant, and any substantial fire or natural or other  
65 33 disaster occurring at or near an elder group home.

65 34 Sec. 148. Section 231B.13, Code 2007, is amended to read  
65 35 as follows:

66 1 231B.13 RETALIATION BY ELDER GROUP HOME PROHIBITED.

66 2 An elder group home shall not discriminate or retaliate in  
66 3 any way against a tenant, a tenant's family, or an employee of  
66 4 the elder group home who has initiated or participated in any  
66 5 proceeding authorized by this chapter. An elder group home  
66 6 that violates this section is subject to a penalty as  
66 7 established by administrative rule in accordance with chapter  
66 8 17A, to be assessed and collected by the department ~~of~~  
~~66 9 inspections and appeals~~, paid into the state treasury, and  
66 10 credited to the general fund of the state.

66 11 Sec. 149. Section 231B.14, subsection 2, Code 2007, is  
66 12 amended to read as follows:

66 13 2. Following receipt of notice from the department ~~of~~  
~~66 14 inspections and appeals~~, continued failure or refusal to  
66 15 comply within a prescribed time frame with regulatory  
66 16 requirements that have a direct relationship to the health,  
66 17 safety, or security of elder group home tenants.

66 18 Sec. 150. Section 231B.14, subsection 3, unnumbered  
66 19 paragraph 1, Code 2007, is amended to read as follows:

66 20 Preventing or interfering with or attempting to impede in  
66 21 any way any duly authorized representative of the department  
66 22 ~~of inspections and appeals~~ in the lawful enforcement of this  
66 23 chapter or of the rules adopted pursuant to this chapter. As  
66 24 used in this subsection, "lawful enforcement" includes but is  
66 25 not limited to:

66 26 Sec. 151. Section 231B.15, Code 2007, is amended to read  
66 27 as follows:

66 28 231B.15 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF.

66 29 A person establishing, conducting, managing, or operating  
66 30 an elder group home without a certificate is guilty of a  
66 31 serious misdemeanor. Each day of continuing violation after  
66 32 conviction or notice from the department ~~of inspections and~~  
~~66 33 appeals~~ by certified mail of a violation shall be considered a  
66 34 separate offense. A person establishing, conducting,  
66 35 managing, or operating an elder group home without a  
67 1 certificate may be temporarily or permanently restrained by a  
67 2 court of competent jurisdiction from such activity in an  
67 3 action brought by the state.

67 4 Sec. 152. Section 231B.17, subsection 1, Code 2007, is  
67 5 amended to read as follows:

67 6 1. The department ~~of inspections and appeals~~ shall collect

67 7 elder group home certification and related fees. Fees  
67 8 collected and retained pursuant to this section shall be  
67 9 deposited in the general fund of the state.  
67 10 Sec. 153. Section 231B.20, Code 2007, is amended to read  
67 11 as follows:  
67 12 231B.20 NURSING ASSISTANT AND MEDICATION AIDE ==  
67 13 CERTIFICATION.  
67 14 The department ~~of inspections and appeals~~, in cooperation  
67 15 with other appropriate agencies, shall establish a procedure  
67 16 to allow nursing assistants or medication aides to claim work  
67 17 within an elder group home as credit toward sustaining the  
67 18 nursing assistant's or medication aide's certification.  
67 19 Sec. 154. Section 231C.1, subsection 3, Code 2007, is  
67 20 amended by striking the subsection and inserting in lieu  
67 21 thereof the following:  
67 22 3. It is the intent of the general assembly that the  
67 23 department promote a social model for assisted living programs  
67 24 and a consultative process to assist with compliance by  
67 25 assisted living programs.  
67 26 Sec. 155. Section 231C.2, subsection 3, Code 2007, is  
67 27 amended to read as follows:  
67 28 3. "Department" means the department of ~~elder affairs~~  
~~created in chapter 231 inspections and appeals~~ or the  
67 29 department's designee.  
67 30  
67 31 Sec. 156. Section 231C.3, subsection 1, unnumbered  
67 32 paragraph 1, Code 2007, is amended to read as follows:  
67 33 The department shall establish by rule in accordance with  
67 34 chapter 17A minimum standards for certification and monitoring  
67 35 of assisted living programs. The department may adopt by  
68 1 reference with or without amendment, nationally recognized  
68 2 standards and rules for assisted living programs. The rules  
68 3 shall include specification of recognized accrediting entities  
68 4 and provisions related to dementia-specific programs. The  
68 5 standards and rules shall be formulated in consultation with  
68 6 ~~the department of inspections and appeals~~ affected state  
~~agencies~~ and affected industry, professional, and consumer  
68 7 groups; ~~i~~ shall be designed to accomplish the purposes of this  
68 8 chapter; ~~i~~ and shall include but are not limited to rules  
68 9 relating to all of the following:  
68 10 Sec. 157. Section 231C.3, subsection 1, paragraph b, Code  
68 11 2007, is amended to read as follows:  
68 12 b. Requirements that assisted living programs furnish the  
68 13 ~~department of elder affairs and the department of inspections~~  
~~and appeals~~ with specified information necessary to administer  
68 14 this chapter. All information related to a provider  
68 15 application for an assisted living program submitted to ~~either~~  
~~the department of elder affairs or the department of~~  
~~inspections and appeals~~ shall be considered a public record  
68 16 pursuant to chapter 22.  
68 17 Sec. 158. Section 231C.3, subsection 2, Code 2007, is  
68 18 amended to read as follows:  
68 19 2. Each assisted living program operating in this state  
68 20 shall be certified by the department ~~of inspections and~~  
~~appeals~~. If an assisted living program is voluntarily  
68 21 accredited by a recognized accrediting entity, the department  
68 22 ~~of inspections and appeals~~ shall certify the assisted living  
68 23 program on the basis of the voluntary accreditation. An  
68 24 assisted living program that is certified by the department ~~of~~  
~~inspections and appeals~~ on the basis of voluntary  
68 25 accreditation shall not be subject to payment of the  
68 26 certification fee prescribed in section 231C.18, but shall be  
68 27 subject to an administrative fee as prescribed by rule. An  
68 28 assisted living program certified under this section is exempt  
68 29 from the requirements of section 135.63 relating to  
68 30 certificate of need requirements.  
69 1 Sec. 159. Section 231C.3, subsection 5, unnumbered  
69 2 paragraph 1, Code 2007, is amended to read as follows:  
69 3 The department ~~of inspections and appeals~~ may enter into  
69 4 contracts to provide certification and monitoring of assisted  
69 5 living programs. The department ~~of inspections and appeals~~  
69 6 shall:  
69 7 Sec. 160. Section 231C.3, subsections 6, 7, 8, 10, and 11,  
69 8 Code 2007, are amended to read as follows:  
69 9 6. The department may also establish by rule in accordance  
69 10 with chapter 17A minimum standards for subsidized and  
69 11 dementia-specific assisted living programs. The rules shall  
69 12 be formulated in consultation with ~~the department of~~  
~~inspections and appeals~~ affected state agencies and affected  
69 13 industry, professional, and consumer groups.  
69 14 7. A department, agency, or officer of this state or of  
69 15 any governmental unit shall not pay or approve for payment

69 18 from public funds any amount to an assisted living program for  
69 19 an actual or prospective tenant, unless the program holds a  
69 20 current certificate issued by the department of ~~inspections~~  
69 21 ~~and appeals~~ and meets all current requirements for  
69 22 certification.

69 23 8. The department shall adopt rules regarding the  
69 24 conducting or operating of another business or activity in the  
69 25 distinct part of the physical structure in which the assisted  
69 26 living program is provided, if the business or activity serves  
69 27 nontenants. The rules shall be developed in consultation with  
69 28 ~~the department of inspections and appeals~~ affected state  
69 29 agencies and affected industry, professional, and consumer  
69 30 groups.

69 31 10. The department of ~~elder affairs and the department of~~  
69 32 ~~inspections and appeals~~ shall conduct joint training sessions  
69 33 for personnel responsible for conducting monitoring  
69 34 evaluations and complaint investigations of assisted living  
69 35 programs.

70 1 11. Certification of an assisted living program shall be  
70 2 for two years unless certification is revoked for good cause  
70 3 by the department of ~~inspections and appeals~~.

70 4 Sec. 161. Section 231C.4, Code 2007, is amended to read as  
70 5 follows:

70 6 231C.4 FIRE AND SAFETY STANDARDS.

70 7 The state fire marshal shall adopt rules, in coordination  
70 8 with the department of ~~elder affairs and the department of~~  
70 9 ~~inspections and appeals~~, relating to the certification and  
70 10 monitoring of the fire and safety standards of certified  
70 11 assisted living programs.

70 12 Sec. 162. Section 231C.5, subsection 3, Code 2007, is  
70 13 amended to read as follows:

70 14 3. Occupancy agreements and related documents executed by  
70 15 each tenant or the tenant's legal representative shall be  
70 16 maintained by the assisted living program in program files  
70 17 from the date of execution until three years from the date the  
70 18 occupancy agreement is terminated. A copy of the most current  
70 19 occupancy agreement shall be provided to members of the  
70 20 general public, upon request. Occupancy agreements and  
70 21 related documents shall be made available for on-site  
70 22 inspection to the department of ~~inspections and appeals~~ upon  
70 23 request and at reasonable times.

70 24 Sec. 163. Section 231C.6, subsection 1, unnumbered  
70 25 paragraph 1, Code 2007, is amended to read as follows:

70 26 If an assisted living program initiates the involuntary  
70 27 transfer of a tenant and the action is not a result of a  
70 28 monitoring evaluation or complaint investigation by the  
70 29 department of ~~inspections and appeals~~, and if the tenant or  
70 30 the tenant's legal representative contests the transfer, the  
70 31 following procedure shall apply:

70 32 Sec. 164. Section 231C.6, subsection 2, Code 2007, is  
70 33 amended to read as follows:

70 34 2. The department, in consultation with ~~the department of~~  
70 35 ~~inspections and appeals~~ affected state agencies and affected  
71 1 industry, professional, and consumer groups, shall establish,  
71 2 by rule in accordance with chapter 17A, procedures to be  
71 3 followed, including the opportunity for hearing, when the  
71 4 transfer of a tenant results from a monitoring evaluation or  
71 5 complaint investigation conducted by the department of  
71 6 ~~inspections and appeals~~.

71 7 Sec. 165. Section 231C.7, Code 2007, is amended to read as  
71 8 follows:

71 9 231C.7 COMPLAINTS.

71 10 1. Any person with concerns regarding the operations or  
71 11 service delivery of an assisted living program may file a  
71 12 complaint with the department of ~~inspections and appeals~~. The  
71 13 name of the person who files a complaint with the department  
71 14 of ~~inspections and appeals~~ and any personal identifying  
71 15 information of the person or any tenant identified in the  
71 16 complaint shall be kept confidential and shall not be subject  
71 17 to discovery, subpoena, or other means of legal compulsion for  
71 18 its release to a person other than department of ~~inspections~~  
71 19 ~~and appeals~~ employees involved with the complaint.

71 20 2. The department, ~~in cooperation with the department of~~  
71 21 ~~inspections and appeals~~, shall establish procedures for the  
71 22 disposition of complaints received in accordance with this  
71 23 section.

71 24 Sec. 166. Section 231C.8, Code 2007, is amended to read as  
71 25 follows:

71 26 231C.8 INFORMAL REVIEW.

71 27 1. If an assisted living program contests the regulatory  
71 28 insufficiencies of a monitoring evaluation or complaint

71 29 investigation, the program shall submit written information,  
71 30 demonstrating that the program was in compliance with the  
71 31 applicable requirement at the time of the monitoring  
71 32 evaluation or complaint investigation, in support of the  
71 33 contesting of the regulatory insufficiencies, to the  
71 34 department of inspections and appeals for review.

71 35 2. The department of inspections and appeals shall review  
72 1 the written information submitted within ten working days of  
72 2 the receipt of the information. At the conclusion of the  
72 3 review, the department of inspections and appeals may affirm,  
72 4 modify, or dismiss the regulatory insufficiencies. The  
72 5 department of inspections and appeals shall notify the program  
72 6 in writing of the decision to affirm, modify, or dismiss the  
72 7 regulatory insufficiencies, and the reasons for the decision.

72 8 3. In the case of a complaint investigation, the  
72 9 department of inspections and appeals shall also notify the  
72 10 complainant, if known, of the decision and the reasons for the  
72 11 decision.

72 12 Sec. 167. Section 231C.9, Code 2007, is amended to read as  
72 13 follows:

72 14 231C.9 PUBLIC DISCLOSURE OF FINDINGS.

72 15 Upon completion of a monitoring evaluation or complaint  
72 16 investigation of an assisted living program by the department  
72 17 of inspections and appeals pursuant to this chapter, including  
72 18 the conclusion of all administrative appeals processes, the  
72 19 department of inspections and appeals' department's final  
72 20 findings with respect to compliance by the assisted living  
72 21 program with requirements for certification shall be made  
72 22 available to the public in a readily available form and place.  
72 23 Other information relating to an assisted living program that  
72 24 is obtained by the department of inspections and appeals which  
72 25 does not constitute the department of inspections and appeals'  
72 26 department's final findings from a monitoring evaluation or  
72 27 complaint investigation of the assisted living program shall  
72 28 be made available to the department of elder affairs upon  
72 29 request in order to facilitate policy decisions, but shall not  
72 30 be made available to the public except in proceedings  
72 31 involving the denial, suspension, or revocation of a  
72 32 certificate under this chapter.

72 33 Sec. 168. Section 231C.10, subsection 1, unnumbered  
72 34 paragraph 1, Code 2007, is amended to read as follows:

72 35 The department of inspections and appeals may deny,  
73 1 suspend, or revoke a certificate in any case where the  
73 2 department of inspections and appeals finds that there has  
73 3 been a substantial or repeated failure on the part of the  
73 4 assisted living program to comply with this chapter or the  
73 5 rules, or minimum standards adopted under this chapter, or for  
73 6 any of the following reasons:

73 7 Sec. 169. Section 231C.10, subsection 2, Code 2007, is  
73 8 amended to read as follows:

73 9 2. The department of inspections and appeals may as an  
73 10 alternative to denial, suspension, or revocation conditionally  
73 11 issue or continue a certificate dependent upon the performance  
73 12 by the assisted living program of reasonable conditions within  
73 13 a reasonable period of time as set by the department of  
73 14 inspections and appeals so as to permit the program to  
73 15 commence or continue the operation of the program pending full  
73 16 compliance with this chapter or the rules adopted pursuant to  
73 17 this chapter. If the assisted living program does not make  
73 18 diligent efforts to comply with the conditions prescribed, the  
73 19 department of inspections and appeals may, under the  
73 20 proceedings prescribed by this chapter, suspend, or revoke the  
73 21 certificate. An assisted living program shall not be operated  
73 22 on a conditional certificate for more than one year.

73 23 Sec. 170. Section 231C.11, Code 2007, is amended to read  
73 24 as follows:

73 25 231C.11 NOTICE == APPEAL == EMERGENCY PROVISIONS.

73 26 1. The denial, suspension, or revocation of a certificate  
73 27 shall be effected by delivering to the applicant or  
73 28 certificate holder by restricted certified mail or by personal  
73 29 service a notice setting forth the particular reasons for such  
73 30 action. Such denial, suspension, or revocation shall become  
73 31 effective thirty days after the mailing or service of the  
73 32 notice, unless the applicant or certificate holder, within  
73 33 such thirty-day period, requests a hearing, in writing, of the  
73 34 department of inspections and appeals, in which case the  
73 35 notice shall be deemed to be suspended.

74 1 2. The denial, suspension, or revocation of a certificate  
74 2 may be appealed in accordance with rules adopted by the  
74 3 department of inspections and appeals in accordance with  
74 4 chapter 17A.



74 5 3. When the department of inspections and appeals finds  
74 6 that an imminent danger to the health or safety of tenants of  
74 7 an assisted living program exists which requires action on an  
74 8 emergency basis, the department of inspections and appeals may  
74 9 direct removal of all tenants of an assisted living program  
74 10 and suspend the certificate prior to a hearing.

74 11 Sec. 171. Section 231C.12, Code 2007, is amended to read  
74 12 as follows:

74 13 231C.12 DEPARTMENT NOTIFIED OF CASUALTIES.

74 14 The department of inspections and appeals shall be notified  
74 15 within twenty-four hours, by the most expeditious means  
74 16 available, of any accident causing substantial injury or  
74 17 death, and any substantial fire or natural or other disaster  
74 18 occurring at or near an assisted living program.

74 19 Sec. 172. Section 231C.13, Code 2007, is amended to read  
74 20 as follows:

74 21 231C.13 RETALIATION BY ASSISTED LIVING PROGRAM PROHIBITED.

74 22 An assisted living program shall not discriminate or  
74 23 retaliate in any way against a tenant, tenant's family, or an  
74 24 employee of the program who has initiated or participated in  
74 25 any proceeding authorized by this chapter. An assisted living  
74 26 program that violates this section is subject to a penalty as  
74 27 established by administrative rule in accordance with chapter  
74 28 17A, to be assessed and collected by the department of  
74 29 inspections and appeals, paid into the state treasury, and  
74 30 credited to the general fund of the state.

74 31 Sec. 173. Section 231C.14, subsection 2, Code 2007, is  
74 32 amended to read as follows:

74 33 2. Following receipt of notice from the department of  
74 34 inspections and appeals, continued failure or refusal to  
74 35 comply within a prescribed time frame with regulatory

75 1 requirements that have a direct relationship to the health,  
75 2 safety, or security of program tenants.

75 3 Sec. 174. Section 231C.14, subsection 3, unnumbered  
75 4 paragraph 1, Code 2007, is amended to read as follows:

75 5 Preventing or interfering with or attempting to impede in  
75 6 any way any duly authorized representative of the department  
75 7 of inspections and appeals in the lawful enforcement of this  
75 8 chapter or of the rules adopted pursuant to this chapter. As  
75 9 used in this subsection, "lawful enforcement" includes but is  
75 10 not limited to:

75 11 Sec. 175. Section 231C.15, Code 2007, is amended to read  
75 12 as follows:

75 13 231C.15 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF.

75 14 A person establishing, conducting, managing, or operating  
75 15 any assisted living program without a certificate is guilty of  
75 16 a serious misdemeanor. Each day of continuing violation after  
75 17 conviction or notice from the department of inspections and  
75 18 appeals by certified mail of a violation shall be considered a  
75 19 separate offense or chargeable offense. A person  
75 20 establishing, conducting, managing, or operating an assisted  
75 21 living program without a certificate may be temporarily or  
75 22 permanently restrained by a court of competent jurisdiction  
75 23 from such activity in an action brought by the state.

75 24 Sec. 176. Section 231C.16, Code 2007, is amended to read  
75 25 as follows:

75 26 231C.16 NURSING ASSISTANT AND MEDICATION AIDE ==  
75 27 CERTIFICATION.

75 28 The department of inspections and appeals, in cooperation  
75 29 with other appropriate agencies, shall establish a procedure  
75 30 to allow nursing assistants or medication aides to claim work  
75 31 within an assisted living program as credit toward sustaining  
75 32 the nursing assistant's or medication aide's certification.

75 33 Sec. 177. Section 231C.18, subsection 1, Code 2007, is  
75 34 amended to read as follows:

75 35 1. The department of inspections and appeals shall collect  
76 1 assisted living program certification and related fees. An  
76 2 assisted living program that is certified by the department of  
76 3 inspections and appeals on the basis of voluntary  
76 4 accreditation by a recognized accrediting entity shall not be  
76 5 subject to payment of the certification fee, but shall be  
76 6 subject to an administrative fee as prescribed by rule. Fees  
76 7 collected and retained pursuant to this section shall be  
76 8 deposited in the general fund of the state.

76 9 Sec. 178. Section 231D.1, subsection 3, Code 2007, is  
76 10 amended to read as follows:

76 11 3. "Department" means the department of elder affairs  
76 12 created in chapter 231 inspections and appeals.

76 13 Sec. 179. Section 231D.2, subsection 2, Code 2007, is  
76 14 amended by striking the subsection.

76 15 Sec. 180. Section 231D.2, subsections 3 and 4, Code 2007,

76 16 are amended to read as follows:

76 17 3. The department shall establish, by rule in accordance  
76 18 with chapter 17A, a program for certification and monitoring  
76 19 of and complaint investigations related to adult day services  
76 20 programs. The department, in establishing minimum standards  
76 21 for adult day services programs, may adopt by rule in  
76 22 accordance with chapter 17A, nationally recognized standards  
76 23 for adult day services programs. The rules shall include  
76 24 specification of recognized accrediting entities. The rules  
76 25 shall include a requirement that sufficient staffing be  
76 26 available at all times to fully meet a participant's  
76 27 identified needs. The rules shall include a requirement that  
76 28 no fewer than two staff persons who monitor participants as  
76 29 indicated in each participant's service plan shall be awake  
76 30 and on duty during the hours of operation when two or more  
76 31 participants are present. The rules and minimum standards  
76 32 adopted shall be formulated in consultation with ~~the~~

~~76 33 department of inspections and appeals affected state agencies~~  
76 34 and affected industry, professional, and consumer groups and  
76 35 shall be designed to accomplish the purpose of this chapter.

77 1 4. The department may establish by administrative rule, in  
77 2 accordance with chapter 17A, specific rules related to minimum  
77 3 standards for dementia-specific adult day services programs.  
77 4 The rules shall be formulated in consultation with ~~the~~

~~77 5 department of inspections and appeals affected state agencies~~  
77 6 and affected industry, professional, and consumer groups.

77 7 Sec. 181. Section 231D.3, subsections 1, 3, 4, 5, 6, and  
77 8 7, Code 2007, are amended to read as follows:

77 9 1. A person or governmental unit acting severally or  
77 10 jointly with any other person or governmental unit shall not  
77 11 establish or operate an adult day services program and shall  
77 12 not represent an adult day services program to the public as  
77 13 certified unless and until the program is certified pursuant  
77 14 to this chapter. If an adult day services program is  
77 15 voluntarily accredited by a recognized accrediting entity with  
77 16 specific adult day services standards, the department of  
~~77 17 inspections and appeals~~ shall accept voluntary accreditation  
77 18 as the basis for certification by the department. The owner  
77 19 or manager of a certified adult day services program shall  
77 20 comply with the rules adopted by the department for an adult  
77 21 day services program.

77 22 3. An adult day services program that has been certified  
77 23 by the department of ~~inspections and appeals~~ shall not alter  
77 24 the program, operation, or adult day services for which the  
77 25 program is certified in a manner that affects continuing  
77 26 certification without prior approval of the department of  
~~77 27 inspections and appeals~~. The department of ~~inspections and~~  
~~77 28 appeals~~ shall specify, by rule, alterations that are subject  
77 29 to prior approval.

77 30 4. A department, agency, or officer of this state or of  
77 31 any governmental unit shall not pay or approve for payment  
77 32 from public funds any amount to an adult day services program  
77 33 for an actual or prospective participant, unless the program  
77 34 holds a current certificate issued by the department of  
~~77 35 inspections and appeals~~ and meets all current requirements for

78 1 certification.  
78 2 5. The department shall adopt rules regarding the  
78 3 conducting or operating of another business or activity in the  
78 4 distinct part of the physical structure in which the adult day  
78 5 services program is provided, if the business or activity  
78 6 serves persons who are not participants. The rules shall be  
78 7 developed in consultation with ~~the department of inspections~~  
~~78 8 and appeals affected state agencies~~ and affected industry,  
78 9 professional, and consumer groups.

~~78 10~~ 6. The department of ~~elder affairs and the department of~~  
~~78 11 inspections and appeals~~ shall conduct joint training sessions  
78 12 for personnel responsible for conducting monitoring  
78 13 evaluations and complaint investigations of adult day services  
78 14 programs.

78 15 7. Certification of an adult day services program shall be  
78 16 for two years unless revoked for good cause by the department  
78 17 of ~~inspections and appeals~~.

78 18 Sec. 182. Section 231D.4, subsection 1, Code 2007, is  
78 19 amended to read as follows:

78 20 1. Certificates for adult day services programs shall be  
78 21 obtained from the department of ~~inspections and appeals~~.  
78 22 Applications shall be upon such forms and shall include such  
78 23 information as the department of ~~inspections and appeals~~ may  
78 24 reasonably require, which may include affirmative evidence of  
78 25 compliance with applicable statutes and local ordinances.  
78 26 Each application for certification shall be accompanied by the

78 27 appropriate fee.

78 28 Sec. 183. Section 231D.4, subsection 2, paragraph a, Code  
78 29 2007, is amended to read as follows:

78 30 a. ~~The department of inspections and appeals~~ shall collect  
78 31 adult day services certification fees. The fees shall be  
78 32 deposited in the general fund of the state.

78 33 Sec. 184. Section 231D.5, subsection 1, unnumbered  
78 34 paragraph 1, Code 2007, is amended to read as follows:

78 35 The department of ~~inspections and appeals~~ may deny,  
79 1 suspend, or revoke certification if the department of  
~~79 2 inspections and appeals~~ finds that there has been a  
79 3 substantial or repeated failure on the part of the adult day  
79 4 services program to comply with this chapter or the rules or  
79 5 minimum standards adopted pursuant to this chapter, or for any  
79 6 of the following reasons:

79 7 Sec. 185. Section 231D.5, subsection 3, Code 2007, is  
79 8 amended to read as follows:

79 9 3. In the case of a certificate applicant or existing  
79 10 certificate holder which is an entity other than an  
79 11 individual, the department of ~~inspections and appeals~~ may  
79 12 deny, suspend, or revoke a certificate if any individual who  
79 13 is in a position of control or is an officer of the entity  
79 14 engages in any act or omission proscribed by this section.

79 15 Sec. 186. Section 231D.6, Code 2007, is amended to read as  
79 16 follows:

79 17 231D.6 NOTICE == APPEAL == EMERGENCY PROVISIONS.

79 18 1. The denial, suspension, or revocation of a certificate  
79 19 shall be effected by delivering to the applicant or  
79 20 certificate holder by restricted certified mail or by personal  
79 21 service a notice setting forth the particular reasons for the  
79 22 action. The denial, suspension, or revocation shall become  
79 23 effective thirty days after the mailing or service of the  
79 24 notice, unless the applicant or certificate holder, within the  
79 25 thirty-day period, requests a hearing, in writing, of the  
79 26 department of ~~inspections and appeals~~, in which case the  
79 27 notice shall be deemed to be suspended.

79 28 2. The denial, suspension, or revocation of a certificate  
79 29 may be appealed in accordance with rules adopted by the  
79 30 department of ~~inspections and appeals~~ in accordance with  
79 31 chapter 17A.

79 32 3. When the department of ~~inspections and appeals~~ finds  
79 33 that an immediate danger to the health or safety of  
79 34 participants in an adult day services program exists which  
79 35 requires action on an emergency basis, the department of  
~~80 1 inspections and appeals~~ may direct the removal of all  
80 2 participants in the adult day services program and suspend the  
80 3 certificate prior to a hearing.

80 4 Sec. 187. Section 231D.7, Code 2007, is amended to read as  
80 5 follows:

80 6 231D.7 CONDITIONAL OPERATION.

80 7 The department of ~~inspections and appeals~~ may, as an  
80 8 alternative to denial, suspension, or revocation of  
80 9 certification under section 231D.5, conditionally issue or  
80 10 continue certification dependent upon the performance by the  
80 11 adult day services program of reasonable conditions within a  
80 12 reasonable period of time as prescribed by the department of  
~~80 13 inspections and appeals~~ so as to permit the program to  
80 14 commence or continue the operation of the program pending full  
80 15 compliance with this chapter or the rules adopted pursuant to  
80 16 this chapter. If the adult day services program does not make  
80 17 diligent efforts to comply with the conditions prescribed, the  
80 18 department of ~~inspections and appeals~~ may, under the  
80 19 proceedings prescribed by this chapter, suspend or revoke the  
80 20 certificate. An adult day services program shall not be  
80 21 operated under conditional certification for more than one  
80 22 year.

80 23 Sec. 188. Section 231D.8, Code 2007, is amended to read as  
80 24 follows:

80 25 231D.8 DEPARTMENT NOTIFIED OF CASUALTIES.

80 26 The department of ~~inspections and appeals~~ shall be notified  
80 27 within twenty-four hours, by the most expeditious means  
80 28 available, of any accident causing substantial injury or  
80 29 death, and any substantial fire or natural or other disaster  
80 30 occurring at or near an adult day services program.

80 31 Sec. 189. Section 231D.9, Code 2007, is amended to read as  
80 32 follows:

80 33 231D.9 COMPLAINTS AND CONFIDENTIALITY.

80 34 1. A person with concerns regarding the operations or  
80 35 service delivery of an adult day services program may file a  
81 1 complaint with the department of ~~inspections and appeals~~. The  
81 2 name of the person who files a complaint with the department

81 3 ~~of inspections and appeals~~ and any personal identifying  
81 4 information of the person or any participant identified in the  
81 5 complaint shall be kept confidential and shall not be subject  
81 6 to discovery, subpoena, or other means of legal compulsion for  
81 7 its release to a person other than employees of the department  
81 8 ~~of inspections and appeals~~ involved in the investigation of  
81 9 the complaint.

81 10 2. ~~The department, in cooperation with the department of~~  
~~81 11 inspections and appeals,~~ shall establish procedures for the  
81 12 disposition of complaints received in accordance with this  
81 13 section.

81 14 Sec. 190. Section 231D.9A, Code 2007, is amended to read  
81 15 as follows:

81 16 231D.9A INFORMAL REVIEW.

81 17 1. If an adult day services program contests the findings  
81 18 of regulatory insufficiencies of a monitoring evaluation or  
81 19 complaint investigation, the program shall submit written  
81 20 information, demonstrating that the program was in compliance  
81 21 with the applicable requirement at the time of the monitoring  
81 22 evaluation or complaint investigation, to the department ~~of~~  
~~81 23 inspections and appeals~~ for review.

81 24 2. ~~The department of inspections and appeals~~ shall review  
81 25 the written information submitted within ten working days of  
81 26 the receipt of the information. At the conclusion of the  
81 27 review, the department ~~of inspections and appeals~~ may affirm,  
81 28 modify, or dismiss the regulatory insufficiencies. The  
81 29 department ~~of inspections and appeals~~ shall notify the program  
81 30 in writing of the decision to affirm, modify, or dismiss the  
81 31 regulatory insufficiencies, and the reasons for the decision.

81 32 3. In the case of a complaint investigation, the  
81 33 department ~~of inspections and appeals~~ shall also notify the  
81 34 complainant, if known, of the decision and the reasons for the  
81 35 decision.

82 1 Sec. 191. Section 231D.10, Code 2007, is amended to read  
82 2 as follows:

82 3 231D.10 PUBLIC DISCLOSURE OF FINDINGS.

82 4 Upon completion of a monitoring evaluation or complaint  
82 5 investigation of an adult day services program by the  
82 6 department ~~of inspections and appeals~~ pursuant to this  
82 7 chapter, including the conclusion of all administrative  
82 8 appeals processes, the department's final findings with  
82 9 respect to compliance by the adult day services program with  
82 10 requirements for certification shall be made available to the  
82 11 public in a readily available form and place. Other  
82 12 information relating to an adult day services program that is  
82 13 obtained by the department ~~of inspections and appeals~~ which  
82 14 does not constitute the department's final findings from a  
82 15 monitoring evaluation or complaint investigation of the adult  
82 16 day services program shall ~~be made available to the department~~  
~~82 17 upon request to facilitate policy decisions, but shall not be~~  
82 18 made available to the public except in proceedings involving  
82 19 the denial, suspension, or revocation of a certificate under  
82 20 this chapter.

82 21 Sec. 192. Section 231D.11, subsection 1, Code 2007, is  
82 22 amended to read as follows:

82 23 1. A person establishing, conducting, managing, or  
82 24 operating an adult day services program without a certificate  
82 25 is guilty of a serious misdemeanor. Each day of continuing  
82 26 violation after conviction or notice from the department ~~of~~  
~~82 27 inspections and appeals~~ by certified mail of a violation shall  
82 28 be considered a separate offense or chargeable offense. A  
82 29 person establishing, conducting, managing, or operating an  
82 30 adult day services program without a certificate may be  
82 31 temporarily or permanently restrained by a court of competent  
82 32 jurisdiction from such activity in an action brought by the  
82 33 state.

82 34 Sec. 193. Section 231D.11, subsection 2, paragraph c,  
82 35 unnumbered paragraph 1, Code 2007, is amended to read as  
83 1 follows:

83 2 Preventing or interfering with or attempting to impede in  
83 3 any way any duly authorized representative of the department  
83 4 ~~of inspections and appeals~~ in the lawful enforcement of this  
83 5 chapter or of the rules adopted pursuant to this chapter. As  
83 6 used in this paragraph, "lawful enforcement" includes but is  
83 7 not limited to:

83 8 Sec. 194. Section 231D.12, Code 2007, is amended to read  
83 9 as follows:

83 10 231D.12 RETALIATION BY ADULT DAY SERVICES PROGRAM  
83 11 PROHIBITED.

83 12 1. An adult day services program shall not discriminate or  
83 13 retaliate in any way against a participant, participant's

83 14 family, or an employee of the program who has initiated or  
83 15 participated in any proceeding authorized by this chapter. An  
83 16 adult day services program that violates this section is  
83 17 subject to a penalty as established by administrative rule, to  
83 18 be assessed and collected by the department ~~of inspections and~~  
~~83 19 appeals~~, paid into the state treasury, and credited to the  
83 20 general fund of the state.

83 21 2. Any attempt to discharge a participant from an adult  
83 22 day services program by whom or upon whose behalf a complaint  
83 23 has been submitted to the department ~~of inspections and~~  
~~83 24 appeals~~ under section 231D.9, within ninety days after the  
83 25 filing of the complaint or the conclusion of any proceeding  
83 26 resulting from the complaint, shall raise a rebuttable  
83 27 presumption that the action was taken by the program in  
83 28 retaliation for the filing of the complaint, except in  
83 29 situations in which the participant is discharged due to  
83 30 changes in health status which exceed the level of care  
83 31 offered by the adult day services program or in other  
83 32 situations as specified by rule.

83 33 Sec. 195. Section 231D.13, Code 2007, is amended to read  
83 34 as follows:

83 35 231D.13 NURSING ASSISTANT AND MEDICATION AIDE ==  
84 1 CERTIFICATION.

84 2 The department ~~of inspections and appeals~~, in cooperation  
84 3 with other appropriate agencies, shall establish a procedure  
84 4 to allow nursing assistants or medication aides to claim work  
84 5 within adult day services programs as credit toward sustaining  
84 6 the nursing assistant's or medication aide's certification.

84 7 Sec. 196. Section 231D.15, Code 2007, is amended to read  
84 8 as follows:

84 9 231D.15 FIRE AND SAFETY STANDARDS.

84 10 The state fire marshal shall adopt rules, in coordination  
84 11 with the department ~~of elder affairs and the department of~~  
~~84 12 inspections and appeals~~, relating to the certification and  
84 13 monitoring of the fire and safety standards of adult day  
84 14 services programs.

84 15 Sec. 197. Section 231D.17, subsection 3, Code 2007, is  
84 16 amended to read as follows:

84 17 3. Written contractual agreements and related documents  
84 18 executed by each participant or participant's legal  
84 19 representative shall be maintained by the adult day services  
84 20 program in program files from the date of execution until  
84 21 three years from the date the written contractual agreement is  
84 22 terminated. A copy of the most current written contractual  
84 23 agreement shall be provided to members of the general public,  
84 24 upon request. Written contractual agreements and related  
84 25 documents shall be made available for on-site inspection to  
84 26 the department ~~of inspections and appeals~~ upon request and at  
84 27 reasonable times.

84 28 Sec. 198. Section 231D.18, subsection 1, unnumbered  
84 29 paragraph 1, Code 2007, is amended to read as follows:

84 30 If an adult day services program initiates the involuntary  
84 31 transfer of a participant and the action is not a result of a  
84 32 monitoring evaluation or complaint investigation by the  
84 33 department ~~of inspections and appeals~~, and if the participant  
84 34 or participant's legal representative contests the transfer,  
84 35 the following procedure shall apply:

85 1 Sec. 199. Section 231D.18, subsection 2, Code 2007, is  
85 2 amended to read as follows:

~~85 3~~ 2. The department, in consultation with ~~the department of~~  
~~85 4 inspections and appeals~~ ~~affected state agencies~~ and affected  
85 5 industry, professional, and consumer groups, shall establish  
85 6 by rule, in accordance with chapter 17A, procedures to be  
85 7 followed, including the opportunity for hearing, when the  
85 8 transfer of a participant results from a monitoring evaluation  
85 9 or complaint investigation conducted by the department ~~of~~  
~~85 10 inspections and appeals~~.

85 11 Sec. 200. ADMINISTRATIVE RULES == TRANSITION PROVISIONS.

85 12 1. Any rule, regulation, form, order, or directive  
85 13 promulgated by the department of elder affairs and in effect  
85 14 on the effective date of this Act shall continue in full force  
85 15 and effect until amended, repealed, or supplemented by  
85 16 affirmative action of the department of inspections and  
85 17 appeals under the duties and powers of the department of  
85 18 inspections and appeals as established in this Act and under  
85 19 the procedure established in subsection 2.

85 20 Any license, certification, or permit issued by the  
85 21 department of elder affairs and in effect on the effective  
85 22 date of this Act shall continue in full force and effect until  
85 23 expiration or renewal.

85 24 2. In regard to updating references and format in the Iowa

85 25 administrative code in order to correspond to the  
85 26 restructuring of state government as established in this Act,  
85 27 the administrative rules coordinator and the administrative  
85 28 rules review committee, in consultation with the  
85 29 administrative code editor, shall jointly develop a schedule  
85 30 for the necessary updating of the Iowa administrative code.

85 31 DIVISION VII  
85 32 FOOD INSPECTIONS

85 33 Sec. 201. Section 137C.6, Code 2007, is amended to read as  
85 34 follows:

85 35 137C.6 AUTHORITY TO ENFORCE.

86 1 1. The director shall regulate, license, and inspect  
86 2 hotels and enforce the Iowa hotel sanitation code in Iowa.  
86 3 Municipal corporations shall not regulate, license, inspect,  
86 4 or collect license fees from hotels except as provided for in  
86 5 the Iowa hotel sanitation code.

86 6 2. If a municipal corporation wants its local board of  
86 7 health to license, inspect, and otherwise enforce the Iowa  
86 8 hotel sanitation code within its jurisdiction, the municipal  
86 9 corporation may enter into an agreement to do so with the  
86 10 director. The director may enter into the agreement if the  
86 11 director finds that the local board of health has adequate  
86 12 resources to perform the required functions. A municipal  
86 13 corporation may only enter into an agreement to enforce the  
86 14 Iowa hotel sanitation code if it also agrees to enforce the  
86 15 ~~Iowa food code rules setting minimum standards to protect~~  
86 16 ~~consumers from foodborne illness adopted pursuant to section~~

86 17 ~~137F.3~~ 137F.2.

86 18 3. A local board of health that is responsible for  
86 19 enforcing the Iowa hotel sanitation code within its  
86 20 jurisdiction pursuant to an agreement, shall make an annual  
86 21 report to the director providing the following information:

86 22 ~~1-~~ a. The total number of hotel licenses granted or  
86 23 renewed during the year.

86 24 ~~2-~~ b. The number of hotel licenses granted or renewed  
86 25 during the year broken down into the following categories:

86 26 ~~a-~~ (1) Hotels containing fifteen guest rooms or less.

86 27 ~~b-~~ (2) Hotels containing more than fifteen but less than  
86 28 thirty-one guest rooms.

86 29 ~~c-~~ (3) Hotels containing more than thirty but less than  
86 30 seventy-six guest rooms.

86 31 ~~d-~~ (4) Hotels containing more than seventy-five but less  
86 32 than one hundred fifty guest rooms.

86 33 ~~e-~~ (5) Hotels containing one hundred fifty or more guest  
86 34 rooms.

86 35 ~~3-~~ c. The amount of money collected in license fees  
87 1 during the year.

87 2 ~~4-~~ d. Other information the director requests.

87 3 4. The director shall monitor local boards of health to  
87 4 determine if they are enforcing the Iowa hotel sanitation code  
87 5 within their respective jurisdictions. If the director

87 6 determines that the Iowa hotel sanitation code is enforced by  
87 7 a local board of health, such enforcement shall be accepted in  
87 8 lieu of enforcement by the department in that jurisdiction.

87 9 If the director determines that the Iowa hotel sanitation code  
87 10 is not enforced by a local board of health, the director may

87 11 rescind the agreement after reasonable notice and an  
87 12 opportunity for a hearing. If the agreement is rescinded, the  
87 13 director shall assume responsibility for enforcement in the  
87 14 jurisdiction involved.

87 15 Sec. 202. Section 137C.9, Code 2007, is amended to read as  
87 16 follows:

87 17 137C.9 LICENSE FEES.

87 18 1. Either the department or the municipal corporation  
87 19 shall collect the following annual license fees:

87 20 ~~1-~~ a. For a hotel containing fifteen guest rooms or less,  
87 21 ~~twenty~~ ~~twenty=seven~~ dollars.

87 22 ~~2-~~ b. For a hotel containing more than fifteen but less  
87 23 than thirty-one guest rooms, ~~thirty~~ ~~forty~~ dollars ~~and~~ ~~fifty~~  
87 24 ~~cents~~.

87 25 ~~3-~~ c. For a hotel containing more than thirty but less  
87 26 than seventy-six guest rooms, ~~forty~~ ~~fifty=four~~ dollars.

87 27 ~~4-~~ d. For a hotel containing more than seventy-five but  
87 28 less than one hundred fifty guest rooms, ~~fifty~~ ~~fifty=seven~~  
87 29 dollars ~~and~~ ~~fifty cents~~.

87 30 ~~5-~~ e. For a hotel containing one hundred fifty or more  
87 31 guest rooms, ~~seventy-five~~ ~~one hundred one~~ dollars ~~and~~  
87 32 ~~twenty=five cents~~.

87 33 2. Fees collected by the department shall be deposited in  
87 34 the general fund of the state. Fees collected by a municipal  
87 35 corporation shall be retained by it and for its use.

88 1 Sec. 203. Section 137D.2, subsection 1, Code 2007, is  
88 2 amended to read as follows:

88 3 1. A person shall not open or operate a home food  
88 4 establishment until a license has been obtained from the  
88 5 department of inspections and appeals. The department shall  
88 6 collect a fee of ~~twenty-five~~ thirty-three dollars and  
88 7 ~~seventy-five cents~~ for a license. After collection, the fees  
88 8 shall be deposited in the general fund of the state. A  
88 9 license shall expire one year from date of issue. A license  
88 10 is renewable.

88 11 Sec. 204. Section 137F.1, subsection 7, Code 2007, is  
88 12 amended by striking the subsection.

88 13 Sec. 205. Section 137F.1, subsection 8, unnumbered  
88 14 paragraph 1, Code 2007, is amended to read as follows:

88 15 "Food establishment" means an operation that stores,  
88 16 prepares, packages, serves, vends, or otherwise provides food  
88 17 for human consumption and includes a food service operation in  
88 18 a salvage or distressed food operation, school, summer camp,  
88 19 residential service substance abuse treatment facility,  
88 20 halfway house substance abuse treatment facility, correctional  
88 21 facility operated by the department of corrections, the state  
88 22 training school, or the Iowa juvenile home. "Food  
88 23 establishment" does not include the following:

88 24 Sec. 206. Section 137F.2, Code 2007, is amended by  
88 25 striking the section and inserting in lieu thereof the  
88 26 following:

88 27 137F.2 ADOPTION BY RULE.

88 28 The department shall, in accordance with chapter 17A, adopt  
88 29 rules setting minimum standards for entities covered under  
88 30 this chapter to protect consumers from foodborne illness. In  
88 31 so doing, the department may adopt by reference, with or  
88 32 without amendment, the United States food and drug  
88 33 administration food code, which shall be specified by title  
88 34 and edition, date of publication, or similar information. The  
88 35 rules and standards shall be formulated in consultation with  
89 1 municipal corporations under agreement with the department,  
89 2 affected state agencies, and industry, professional, and  
89 3 consumer groups.

89 4 Sec. 207. Section 137F.3, Code 2007, is amended to read as  
89 5 follows:

89 6 137F.3 AUTHORITY TO ENFORCE.

89 7 1. The director shall regulate, license, and inspect food  
89 8 establishments and food processing plants and enforce this  
89 9 chapter pursuant to rules adopted by the department in  
89 10 accordance with chapter 17A. Municipal corporations shall not  
89 11 regulate, license, inspect, or collect license fees from food  
89 12 establishments and food processing plants, except as provided  
89 13 in this section.

89 14 2. A municipal corporation may enter into an agreement  
89 15 with the director to provide that the municipal corporation  
89 16 shall license, inspect, and otherwise enforce this chapter  
89 17 within its jurisdiction. The director may enter into the  
89 18 agreement if the director finds that the municipal corporation  
89 19 has adequate resources to perform the required functions. A  
89 20 municipal corporation may only enter into an agreement to  
89 21 enforce the ~~Iowa food code rules setting minimum standards to~~  
89 22 ~~protect consumers from foodborne illness adopted pursuant to~~  
89 23 ~~this section~~ 137F.2 if it also agrees to enforce the Iowa  
89 24 hotel sanitation code pursuant to section 137C.6. However,  
89 25 the department shall license and inspect all food processing  
89 26 plants which manufacture, package, or label food products. A  
89 27 municipal corporation may license and inspect, as authorized  
89 28 by this section, food processing plants whose operations are  
89 29 limited to the storage of food products.

89 30 3. If the director enters into an agreement with a  
89 31 municipal corporation as provided by this section, the  
89 32 director shall provide that the inspection practices of a  
89 33 municipal corporation are spot-checked on a regular basis.

89 34 4. A municipal corporation that is responsible for  
89 35 enforcing this chapter within its jurisdiction pursuant to an  
90 1 agreement shall make an annual report to the director  
90 2 providing the following information:

90 3 ~~1-~~ a. The total number of licenses granted or renewed by  
90 4 the municipal corporation under this chapter during the year.

90 5 ~~2-~~ b. The number of licenses granted or renewed by the  
90 6 municipal corporation under this chapter during the year in  
90 7 each of the following categories:

90 8 ~~a-~~ (1) Food establishments.

90 9 ~~b-~~ (2) Food processing plants.

90 10 ~~c-~~ (3) Mobile food units and pushcarts.

90 11 ~~d-~~ (4) Temporary food establishments.

90 12 e- (5) Vending machines.  
90 13 3- c. The amount of money collected in license fees  
90 14 during the year.  
90 15 d. The amount expended to perform the functions required  
90 16 under the agreement, submitted on a form prescribed by the  
90 17 department.  
90 18 4- e. Other information the director requests.  
90 19 5. The director shall monitor municipal corporations which  
90 20 have entered into an agreement pursuant to this section to  
90 21 determine if they are enforcing this chapter within their  
90 22 respective jurisdictions. If the director determines that  
90 23 this chapter is not enforced by a municipal corporation, the  
90 24 director may rescind the agreement after reasonable notice and  
90 25 an opportunity for a hearing. If the agreement is rescinded,  
90 26 the director shall assume responsibility for enforcement in  
90 27 the jurisdiction involved.

90 28 6. The inspection staff of a municipal corporation that  
90 29 has entered into an agreement with the director to enforce  
90 30 this chapter shall be required by the department to apply the  
90 31 current rules setting minimum standards to protect consumers  
90 32 from foodborne illness adopted pursuant to section 137F.2 to  
90 33 ensure consistency in application of the rules. A municipal  
90 34 corporation's failure to comply may result in the department  
90 35 rescinding the agreement with the municipal corporation, after  
91 1 reasonable notice and an opportunity for a hearing.

91 2 Sec. 208. Section 137F.3A, Code 2007, is amended to read  
91 3 as follows:

91 4 137F.3A MUNICIPAL CORPORATION INSPECTIONS == CONTINGENT  
91 5 APPROPRIATION.

91 6 1. If a municipal corporation operating pursuant to a  
91 7 chapter 28E agreement with the department of inspections and  
91 8 appeals to enforce this chapter and chapters 137C and 137D  
91 9 either fails to renew the agreement effective after ~~July 1,~~  
91 10 ~~2005, but before July 1, 2007, April 1, 2007, or discontinues~~  
91 11 ~~prior to July 1, 2007, after April 1, 2007, enforcement~~  
91 12 activities in one or more jurisdictions during the agreement  
91 13 time frame, or the department of inspections and appeals  
91 14 cancels an agreement ~~prior to July 1, 2007, after April 1,~~  
91 15 ~~2007, due to noncompliance with the terms of the agreement,~~  
91 16 the department of inspections and appeals may employ  
91 17 additional full-time equivalent positions ~~for the fiscal years~~  
91 18 ~~ending prior to July 1, 2007, to enforce the provisions of the~~  
91 19 chapters, with the approval of the department of management.  
91 20 Before approval is given, the director of the department of  
91 21 management shall determine that the expenses exceed the funds  
91 22 budgeted by the general assembly for food inspections to the  
91 23 department of inspections and appeals. The department of  
91 24 inspections and appeals may hire no more than one full-time  
91 25 equivalent position for each six hundred inspections required  
91 26 pursuant to this chapter and chapters 137C and 137D.

91 27 2. Notwithstanding chapter 137D, and sections 137C.9 and  
91 28 137F.6, if the conditions described in this section are met,  
91 29 fees imposed pursuant to that chapter and those sections shall  
91 30 be retained by and are appropriated to the department of  
91 31 inspections and appeals ~~for the each fiscal years ending prior~~  
91 32 ~~to July 1, 2007, year to provide for salaries, support,~~  
91 33 maintenance, and miscellaneous purposes associated with the  
91 34 additional inspections. The appropriation made in this  
91 35 subsection is not applicable in a fiscal year for which the  
92 1 general assembly enacts an appropriation made for the purposes  
92 2 described in this subsection.

92 3 3. ~~This section is repealed July 1, 2007.~~

92 4 Sec. 209. Section 137F.6, Code 2007, is amended to read as  
92 5 follows:

92 6 137F.6 LICENSE FEES.

92 7 1. The regulatory authority shall collect the following  
92 8 annual license fees:

92 9 1- a. For a mobile food unit or pushcart, ~~twenty~~  
92 10 ~~twenty-seven~~ dollars.

92 11 2- b. For a temporary food establishment per fixed  
92 12 location, ~~twenty-five~~ ~~thirty-three~~ dollars and fifty cents.

92 13 3- c. For a vending machine, twenty dollars for the first  
92 14 machine and five dollars for each additional machine.

92 15 4- d. For a food establishment which prepares or serves  
92 16 food for individual portion service intended for consumption  
92 17 on-the-premises, the annual license fee shall correspond to  
92 18 the annual gross food and beverage sales of the food  
92 19 establishment, as follows:

92 20 a- (1) Annual gross sales of under fifty thousand  
92 21 dollars, ~~fifty~~ ~~sixty-seven~~ dollars and fifty cents.

92 22 b- (2) Annual gross sales of at least fifty thousand



92 23 dollars but less than one hundred thousand dollars,  
92 24 ~~eighty-five~~ one hundred fourteen dollars and fifty cents.

92 25 ~~c.~~ (3) Annual gross sales of at least one hundred  
92 26 thousand dollars but less than two hundred fifty thousand  
92 27 dollars, ~~one hundred seventy-five~~ two hundred thirty-six  
92 28 dollars and twenty-five cents.

92 29 ~~d.~~ (4) Annual gross sales of two hundred fifty thousand  
92 30 dollars but less than five hundred thousand dollars, two  
92 31 hundred seventy-five dollars.

92 32 ~~e.~~ (5) Annual gross sales of five hundred thousand  
92 33 dollars or more, ~~two hundred twenty-five~~ three hundred three  
92 34 dollars and seventy-five cents.

92 35 5. ~~e.~~ For a food establishment which sells food or food  
93 1 products to consumer customers intended for preparation or  
93 2 consumption off-the-premises, the annual license fee shall  
93 3 correspond to the annual gross food and beverage sales of the  
93 4 food establishment, as follows:

93 5 ~~a.~~ (1) Annual gross sales of under ten thousand dollars,  
93 6 ~~thirty forty~~ dollars and fifty cents.

93 7 ~~b.~~ (2) Annual gross sales of at least ten thousand  
93 8 dollars but less than two hundred fifty thousand dollars,  
93 9 ~~seventy-five~~ one hundred one dollars and twenty-five cents.

93 10 ~~c.~~ (3) Annual gross sales of at least two hundred fifty  
93 11 thousand dollars but less than five hundred thousand dollars,  
93 12 ~~one hundred fifteen~~ one hundred fifty-five dollars and  
93 13 twenty-five cents.

93 14 ~~d.~~ (4) Annual gross sales of at least five hundred  
93 15 thousand dollars but less than seven hundred fifty thousand  
93 16 dollars, ~~one hundred fifty~~ two hundred two dollars and fifty  
93 17 cents.

93 18 ~~e.~~ (5) Annual gross sales of seven hundred fifty thousand  
93 19 dollars or more, ~~two hundred twenty-five~~ three hundred three  
93 20 dollars and seventy-five cents.

93 21 6. ~~f.~~ For a food processing plant, the annual license fee  
93 22 shall correspond to the annual gross food and beverage sales  
93 23 of the food processing plant, as follows:

93 24 ~~a.~~ (1) Annual gross sales of under fifty thousand  
93 25 dollars, ~~fifty sixty-seven~~ dollars and fifty cents.

93 26 ~~b.~~ (2) Annual gross sales of at least fifty thousand  
93 27 dollars but less than two hundred fifty thousand dollars, one  
93 28 hundred thirty-five dollars.

93 29 ~~c.~~ (3) Annual gross sales of at least two hundred fifty  
93 30 thousand dollars but less than five hundred thousand dollars,  
93 31 ~~one hundred fifty~~ two hundred two dollars and fifty cents.

93 32 ~~d.~~ (4) Annual gross sales of five hundred thousand  
93 33 dollars or more, ~~two hundred fifty~~ three hundred thirty-seven  
93 34 dollars and fifty cents.

93 35 7. ~~g.~~ For a farmers market where potentially hazardous  
94 1 food is sold or distributed, one seasonal license fee of one  
94 2 hundred dollars for each vendor on a countywide basis.  
94 3 A food establishment covered by ~~subsections 4 and 5~~  
94 4 paragraphs "d" and "e" shall be assessed license fees not to  
94 5 exceed seventy-five percent of the total fees applicable under  
94 6 both ~~subsections~~ paragraphs.

94 7 2. If an establishment licensed under subsection 1,  
94 8 paragraph "d" or "e", has had a person in charge for the  
94 9 entire previous twelve-month period who holds an active  
94 10 certified food protection manager certificate from a program  
94 11 approved by the conference on food protection and the  
94 12 establishment has not been issued a critical violation during  
94 13 the previous twelve-month period, the establishment's license  
94 14 fee for the current renewal period shall be reduced by fifty  
94 15 dollars.

94 16 3. Fees collected by the department shall be deposited in  
94 17 the general fund of the state. Fees collected by a municipal  
94 18 corporation shall be retained by the municipal corporation for  
94 19 regulation of food establishments and food processing plants  
94 20 licensed under this chapter.

94 21 4. Each vending machine licensed under this chapter shall  
94 22 bear a readily visible identification tag or decal provided by  
94 23 the licensee, containing the licensee's business address and  
94 24 phone number, and a company license number assigned by the  
94 25 regulatory authority.

94 26 Sec. 210. Section 137F.10, Code 2007, is amended to read  
94 27 as follows:

94 28 137F.10 REGULAR INSPECTIONS.

94 29 The appropriate regulatory authority shall provide for the  
94 30 inspection of each food establishment and food processing  
94 31 plant in this state in accordance with this chapter and with  
94 32 rules adopted pursuant to this chapter in accordance with  
94 33 chapter 17A. A regulatory authority may enter a food

94 34 establishment or food processing plant at any reasonable hour  
94 35 to conduct an inspection. The manager or person in charge of  
95 1 the food establishment or food processing plant shall afford  
95 2 free access to every part of the premises and render all aid  
95 3 and assistance necessary to enable the regulatory authority to  
95 4 make a thorough and complete inspection. As part of the  
95 5 inspection process, the regulatory authority shall provide an  
95 6 explanation of the violation or violations cited and provide  
95 7 guidance as to actions for correction and elimination of the  
95 8 violation or violations.

95 9 Sec. 211. NEW SECTION. 137F.11A POSTING OF INSPECTION  
95 10 REPORTS.

95 11 An establishment inspected under this chapter shall post  
95 12 the most recent routine inspection report, along with any  
95 13 current complaint or reinspection reports, in a location at  
95 14 the establishment that is readily visible to the public.

95 15 Sec. 212. Section 196.3, Code 2007, is amended to read as  
95 16 follows:

95 17 196.3 EGG HANDLER'S LICENSE AND FEE.

95 18 1. Every egg handler shall obtain an annual license from  
95 19 the department. The fee for the license shall be determined  
95 20 on the basis of the total number of eggs purchased or handled  
95 21 during the preceding month of April in each calendar year as  
95 22 follows:

95 23 ~~1-~~ a. Less than one hundred twenty-five  
95 24 cases ..... \$ ~~15.00~~  
95 25 20.20

95 26 ~~2-~~ b. One hundred twenty-five cases or  
95 27 more but less than two hundred fifty  
95 28 cases ..... \$ ~~35.00~~  
95 29 47.25

95 30 ~~3-~~ c. Two hundred fifty cases or more but  
95 31 less than one thousand cases ..... \$ ~~50.00~~  
95 32 67.50

95 33 ~~4-~~ d. One thousand cases or more but less  
95 34 than five thousand cases ..... \$ ~~100.00~~  
95 35 135.00

96 1 ~~5-~~ e. Five thousand cases or more but less  
96 2 than ten thousand cases ..... \$ ~~175.00~~  
96 3 236.25

96 4 ~~6-~~ f. Ten thousand cases or more ..... \$ ~~250.00~~  
96 5 337.50

96 6 2. The license shall expire one year after its date of  
96 7 issue. For the purpose of determining fees, a case shall be  
96 8 thirty dozen eggs. All fees collected shall be remitted to  
96 9 the treasurer of state for deposit in the general fund of the  
96 10 state.

96 11 3. If an egg handler is not operating during the month of  
96 12 April, the department shall estimate the volume of eggs  
96 13 purchased or handled, or both, and may revise the fee based on  
96 14 three months of operation.

96 15 Sec. 213. Section 331.756, subsection 32, Code 2007, is  
96 16 amended to read as follows:

96 17 32. Assist the department of inspections and appeals in  
96 18 the enforcement of the ~~Iowa food code rules setting minimum~~  
96 19 ~~standards to protect consumers from foodborne illness adopted~~  
96 20 ~~pursuant to section 137F.2 and the Iowa hotel sanitation code,~~  
96 21 as provided in sections 137F.19 and 137C.30.

96 22 Sec. 214. FOOD CODE APPLICABILITY == TEMPORARY PROVISIONS.  
96 23 Pending the adoption of rules pursuant to section 137F.2, as  
96 24 amended by this division of this Act, the 1997 edition of the  
96 25 United States food and drug administration food code, with the  
96 26 amendments or exceptions thereto in effect prior to the  
96 27 effective date of this division of this Act, shall continue in  
96 28 effect.

96 29 Sec. 215. EFFECTIVE DATE. The section of this division of  
96 30 this Act amending section 137F.3A, being deemed of immediate  
96 31 importance, takes effect upon enactment.

96 32 DIVISION VIII  
96 33 CORRECTIVE PROVISIONS

96 34 Sec. 216. Section 8.65, subsection 1, paragraph a,  
96 35 subparagraph (6), if enacted by 2007 Iowa Acts, Senate File  
97 1 155, is amended to read as follows:

97 2 (6) One member representing the councils of governments  
97 3 appointed by the president of the Iowa association of regional  
97 4 ~~councils of government.~~

97 5 Sec. 217. Section 35A.15, subsection 2, if enacted by 2007  
97 6 Iowa Acts, Senate File 407, section 1, is amended to read as  
97 7 follows:

97 8 2. The home ownership assistance program is established to  
97 9 continue the program implemented pursuant to ~~2003 Iowa Acts,~~

97 10 ~~chapter 179, section 21, subsection 5, as amended by 2005 Iowa~~  
97 11 ~~Acts, chapter 161, section 1, and as amended by 2005 Iowa~~  
97 12 ~~Acts, chapter 115, section 37, and continued in accordance~~  
97 13 ~~with 2006 Iowa Acts, chapter 1167, sections 3 and 4, and other~~  
97 14 ~~appropriations.~~

97 15 Sec. 218. Section 48A.7A, subsection 4, paragraph b, as  
97 16 enacted by 2007 Iowa Acts, House File 653, section 2, is  
97 17 amended to read as follows:

97 18 b. The form of the written oath required of a person  
97 19 attesting to the identity and residency of the registrant  
97 20 shall read as follows:

97 21 I, \_\_\_\_\_ (name of registered voter), do solemnly  
97 22 swear or affirm all of the following:

97 23 I am a preregistered voter in this precinct or I registered  
97 24 to vote in this precinct today, and a registered voter did not  
97 25 sign an oath on my behalf.

97 26 I am a resident of the ..... precinct, ..... ward  
97 27 or township, city of ....., county of ....., Iowa.

97 28 I reside at ..... (street address) in

97 29 \_\_\_\_\_ (~~street address~~)  
97 30 ..... (city or township)

97 31 (~~city or township~~)

97 32 I personally know ..... (name of registrant),

97 33 \_\_\_\_\_ (~~name or registrant~~)

97 34 and I personally know that ..... (name of

97 35 \_\_\_\_\_ (~~name of registrant~~)

98 1 registrant) is a resident of the ..... precinct,

98 2 ..... ward or township, city of ....., county of  
98 3 ....., Iowa.

98 4 I understand that any false statement in this oath is a  
98 5 class "D" felony punishable by no more than five years in  
98 6 confinement and a fine of at least seven hundred fifty dollars  
98 7 but not more than seven thousand five hundred dollars.

98 8 .....  
98 9 Signature of Registered Voter  
98 10 Subscribed and sworn before me on (date).

98 11 .....  
98 12 Signature of Precinct Election Official

98 13 Sec. 219. Section 53.37, subsection 5, Code 2007, as  
98 14 amended by 2007 Iowa Acts, House File 848, section 31, to be  
98 15 subsection 3, paragraph e, is amended to read as follows:

98 16 e. Citizens of the United States who do not fall under any  
98 17 of the categories described in ~~subsections 1 to 4~~ paragraphs  
98 18 "a" through "d", but who are entitled to register and vote  
98 19 pursuant to section 48A.5, subsection 4.

98 20 Sec. 220. Section 68A.406, subsection 2, unnumbered  
98 21 paragraph 2, Code 2007, as amended by 2007 Iowa Acts, Senate  
98 22 File 39, section 7, is amended to read as follows:

98 23 ~~Subparagraphs~~ Paragraphs "d", "e", and "f" shall not apply  
98 24 to the posting of signs on private property not a polling  
98 25 place, except that the placement of a sign on a motor vehicle,  
98 26 trailer, or semitrailer, or any attachment to a motor vehicle,  
98 27 trailer, or semitrailer parked on public property within three  
98 28 hundred feet of a polling place, which sign is more than  
98 29 ninety square inches in size, is prohibited.

98 30 Sec. 221. Section 96.5, subsection 5, paragraph c, Code  
98 31 2007, as amended by 2007 Iowa Acts, Senate File 272, section  
98 32 27, to be subsection 5, paragraph a, subparagraph (3), is  
98 33 amended to read as follows:

98 34 (3) A governmental or other pension, retirement or retired  
98 35 pay, annuity, or any other similar periodic payment made under  
99 1 a plan maintained or contributed to by a base period or  
99 2 chargeable employer where, except for benefits under the  
99 3 federal Social Security Act or the federal Railroad Retirement  
99 4 Act of 1974 or the corresponding provisions of prior law, the  
99 5 plan's eligibility requirements or benefit payments are  
99 6 affected by the base period employment or the remuneration for  
99 7 the base period employment. However, if an individual's  
99 8 benefits are reduced due to the receipt of a payment under  
99 9 this ~~paragraph~~ subparagraph, the reduction shall be decreased  
99 10 by the same percentage as the percentage contribution of the  
99 11 individual to the plan under which the payment is made.

99 12 Sec. 222. Section 147.74, subsection 22, Code 2007, as  
99 13 amended by 2007 Iowa Acts, Senate File 74, section 61, is  
99 14 amended to read as follows:

99 15 22. A sign language interpreter or transliterator licensed  
99 16 under chapter 154E and this chapter may use the title  
99 17 "licensed sign language interpreter" or the letters "L. I."  
99 18 after the person's name.

99 19 Sec. 223. Section 147.98, Code 2007, as amended by 2007  
99 20 Iowa Acts, Senate File 74, section 71, is amended to read as

99 21 follows:

99 22 147.98 EXECUTIVE DIRECTOR OF THE BOARD OF PHARMACY.

99 23 The board of pharmacy may employ a full-time executive  
99 24 director, who shall not be a member of the ~~examining~~ board, at  
99 25 such compensation as may be fixed pursuant to chapter 8A,  
99 26 subchapter IV, but the provisions of section 147.22 providing  
99 27 for a secretary for each ~~examining~~ board shall not apply to  
99 28 the board of pharmacy.

99 29 Sec. 224. Section 148.10, unnumbered paragraph 1, Code  
99 30 2007, as amended by 2007 Iowa Acts, Senate File 74, section  
99 31 95, is amended to read as follows:

99 32 The board may, in ~~their~~ its discretion, issue a temporary  
99 33 certificate authorizing the licensee to practice medicine and  
99 34 surgery or osteopathic medicine and surgery in a specific  
99 35 location or locations and for a specified period of time if,  
100 1 in the opinion of the board, a need exists and the person  
100 2 possesses the qualifications prescribed by the board for the  
100 3 license, which shall be substantially equivalent to those  
100 4 required for licensure under this chapter or chapter 150A, as  
100 5 the case may be. The board shall determine in each instance  
100 6 those eligible for this license, whether or not examinations  
100 7 shall be given, and the type of examinations. No requirements  
100 8 of the law pertaining to regular permanent licensure are  
100 9 mandatory for this temporary license except as specifically  
100 10 designated by the board. The granting of a temporary license  
100 11 does not in any way indicate that the person so licensed is  
100 12 necessarily eligible for regular licensure or that the board  
100 13 in any way is obligated to so license the person.

100 14 Sec. 225. Section 150A.3, subsection 1, paragraph c, Code  
100 15 2007, as that section is amended by 2007 Iowa Acts, Senate  
100 16 File 74, section 115, is amended to read as follows:

100 17 c. Present to the Iowa department of public health  
100 18 satisfactory evidence that the applicant has completed one  
100 19 year of internship or resident training in a hospital approved  
100 20 for such training by the ~~medical-examiners~~ board.

100 21 Sec. 226. Section 151.12, unnumbered paragraph 1, Code  
100 22 2007, as amended by 2007 Iowa Acts, Senate File 74, section  
100 23 125, is amended to read as follows:

100 24 The board may, in its discretion, issue a temporary  
100 25 certificate authorizing the licensee to practice chiropractic  
100 26 if, in the opinion of the ~~chiropractic-examiners~~ board, a need  
100 27 exists and the person possesses the qualifications prescribed  
100 28 by the board for the license, which shall be substantially  
100 29 equivalent to those required for licensure under this chapter.  
100 30 The board shall determine in each instance those eligible for  
100 31 this license, whether or not examinations shall be given, the  
100 32 type of examinations, and the duration of the license. No  
100 33 requirements of the law pertaining to regular permanent  
100 34 licensure are mandatory for this temporary license except as  
100 35 specifically designated by the board. The granting of a  
101 1 temporary license does not in any way indicate that the person  
101 2 so licensed is eligible for regular licensure or that the  
101 3 board is obligated to so license the person.

101 4 Sec. 227. Section 154.1, unnumbered paragraph 3, Code  
101 5 2007, as amended by 2007 Iowa Acts, Senate File 74, section  
101 6 142, to be subsection 4, is amended to read as follows:

101 7 4. Therapeutically certified optometrists may employ all  
101 8 diagnostic and therapeutic pharmaceutical agents for the  
101 9 purpose of diagnosis and treatment of conditions of the human  
101 10 eye and adnexa pursuant to this ~~paragraph~~ subsection,  
101 11 excluding the use of injections other than to counteract an  
101 12 anaphylactic reaction, and notwithstanding section 147.107,  
101 13 may without charge supply any of the above pharmaceuticals to  
101 14 commence a course of therapy. Therapeutically certified  
101 15 optometrists may prescribe oral steroids for a period not to  
101 16 exceed fourteen days without consultation with a primary care  
101 17 physician. Therapeutically certified optometrists shall not  
101 18 prescribe oral Imuran or oral Methotrexate. Therapeutically  
101 19 certified optometrists may be authorized, where reasonable and  
101 20 appropriate, by rule of the board, to employ new diagnostic  
101 21 and therapeutic pharmaceutical agents approved by the United  
101 22 States food and drug administration on or after July 1, 2002,  
101 23 for the diagnosis and treatment of the human eye and adnexa.  
101 24 The board shall not be required to adopt rules relating to  
101 25 topical pharmaceutical agents, oral antimicrobial agents, oral  
101 26 antihistamines, oral antiglaucoma agents, and oral analgesic  
101 27 agents. Superficial foreign bodies may be removed from the  
101 28 human eye and adnexa. The therapeutic efforts of a  
101 29 therapeutically certified optometrist are intended for the  
101 30 purpose of examination, diagnosis, and treatment of visual  
101 31 defects, abnormal conditions, and diseases of the human eye

101 32 and adnexa, for proper optometric practice or referral for  
101 33 consultation or treatment to persons licensed under chapter  
101 34 148 or 150A. A therapeutically certified optometrist is an  
101 35 optometrist who is licensed to practice optometry in this  
102 1 state and who is certified by the board to use the agents and  
102 2 procedures authorized pursuant to this ~~paragraph~~ subsection.  
102 3 A therapeutically certified optometrist shall be provided with  
102 4 a distinctive certificate by the board which shall be  
102 5 displayed for viewing by the patients of the optometrist.

102 6 Sec. 228. Section 154.3, subsection 5, Code 2007, as  
102 7 amended by 2007 Iowa Acts, Senate File 74, section 143, is  
102 8 amended to read as follows:

102 9 5. A person applying to be licensed as an optometrist  
102 10 after January 1, 1986, shall also apply to be a  
102 11 therapeutically certified optometrist and shall, in addition  
102 12 to satisfactorily completing all requirements for a license to  
102 13 practice optometry, satisfactorily complete a course as  
102 14 defined by rule of the board with particular emphasis on the  
102 15 examination, diagnosis, and treatment of conditions of the  
102 16 human eye and adnexa provided by an institution accredited by  
102 17 a regional or professional accreditation organization which is  
102 18 recognized or approved by the council on postsecondary  
102 19 accreditation of the United States office of education, and  
102 20 approved by the board. The rules of the board shall require a  
102 21 course including a minimum of forty hours of didactic  
102 22 education and sixty hours of approved supervised clinical  
102 23 training in the examination, diagnosis, and treatment of  
102 24 conditions of the human eye and adnexa. The board may also,  
102 25 by rule, provide a procedure by which an applicant who has  
102 26 received didactic education meeting the requirements of rules  
102 27 adopted pursuant to this subsection at an approved school of  
102 28 optometry may apply to the board for a waiver of the didactic  
102 29 education requirements of this subsection.

102 30 Sec. 229. Section 284.8, subsection 4, if enacted by 2007  
102 31 Iowa Acts, Senate File 277, section 32, is amended to read as  
102 32 follows:

102 33 4. A teacher who is not meeting the applicable standards  
102 34 and criteria based on a determination made pursuant to  
102 35 subsection ~~3~~ 2 shall participate in an intensive assistance  
103 1 program.

103 2 Sec. 230. Section 499.47, subsection 3, Code 2007, as  
103 3 amended by 2007 Iowa Acts, Senate File 319, section 5, is  
103 4 amended to read as follows:

103 5 3. Upon the expiration or voluntary dissolution of an  
103 6 association, the members shall designate three of their number  
103 7 as trustees to replace the officers and directors and wind up  
103 8 its affairs. The trustees shall have all the powers of the  
103 9 board, including the power to sell and convey real or personal  
103 10 property and execute conveyances. Within the time fixed in  
103 11 their designation, or any extension of that time, the trustees  
103 12 shall liquidate the association's assets, pay its debts and  
103 13 expenses, and distribute remaining funds among the members.  
103 14 Upon distribution of remaining assets the association shall  
103 15 stand dissolved and cease to exist. The trustees shall make  
103 16 and sign a ~~duplicate~~ report of the dissolution. ~~One copy of~~  
103 17 ~~the~~ The report shall be filed with the secretary of state.

103 18 Sec. 231. Section 513B.2, subsection 6, paragraph a,  
103 19 subparagraph (4), unnumbered paragraph 1, as enacted by 2007  
103 20 Iowa Acts, House File 790, section 4, is amended to read as  
103 21 follows:

103 22 The coverages are provided by a policy of group health  
103 23 insurance coverage through two or more bona fide associations  
103 24 as provided in section 509.1, subsection 7A, which a small  
103 25 employer carrier has aggregated as a distinct grouping that  
103 26 meets the requirements for a class of business under section  
103 27 513B.4. After a distinct grouping of bona fide associations  
103 28 is established as a class of business, the small ~~group~~  
103 29 employer carrier shall not remove a bona fide association from  
103 30 the class based on the claims experience of that association.  
103 31 A small employer carrier may condition coverages under such a  
103 32 policy of group health insurance coverage on any of the  
103 33 following requirements:

103 34 Sec. 232. Section 515.82, Code 2007, as amended by 2007  
103 35 Iowa Acts, Senate File 518, section 61, is amended to read as  
104 1 follows:

104 2 515.82 SHORT RATES.

104 3 The commissioner of insurance shall prepare and promulgate  
104 4 tables of the short rates provided for in sections ~~514.125~~  
104 5 515.125 and 515.126, for the various kinds and classes of  
104 6 insurance governed by the provisions of this chapter, which,  
104 7 when promulgated, shall be for the guidance of all companies

104 8 covered in this chapter and shall be the rate to be given in  
104 9 any notice therein required. No company shall discriminate  
104 10 unfairly between like assureds in the rate or rates so  
104 11 provided.

104 12 Sec. 233. Section 715.6, Code 2007, as amended by 2007  
104 13 Iowa Acts, Senate File 333, if enacted, is amended to read as  
104 14 follows:

104 15 715.6 EXCEPTIONS.

104 16 Sections 715.4 and 715.5 shall not apply to the monitoring  
104 17 of, or interaction with, an owner's or an operator's internet  
104 18 or other network connection, service, or computer, by a  
104 19 telecommunications carrier, cable operator, computer hardware  
104 20 or software provider, or provider of information service or  
104 21 interactive computer service for network or computer security  
104 22 purposes, diagnostics, technical support, maintenance, repair,  
104 23 authorized updates of computer software or system firmware,  
104 24 authorized remote system management, or detection, criminal  
104 25 investigation, or prevention of the use of or fraudulent or  
104 26 other illegal activities prohibited in this chapter in  
104 27 connection with a network, service, or computer software,  
104 28 including scanning for and removing computer software  
104 29 prescribed under this chapter. Nothing in this chapter shall  
104 30 limit the rights of providers of wire and electronic  
104 31 communications under 18 U.S.C. } 2511.

104 32 Sec. 234. 2006 Iowa Acts, chapter 1106, section 1,  
104 33 subsection 5, paragraph c, as amended by 2007 Iowa Acts,  
104 34 Senate File 272, section 112, is amended to read as follows:

104 35 c. Grants for veterans injured after September 11, 2001,  
105 1 but prior to the effective date of this section of this Act  
105 2 shall be payable, upon a showing that the veteran would have  
105 3 been eligible for payment had the injury occurred on or after  
105 4 the effective date of this section of this Act.

105 5 Sec. 235. 2007 Iowa Acts, House File 579, section 3, the  
105 6 bill section amending clause, is amended to read as follows:

105 7 SEC. 3. Section 805.6, subsection 1, paragraph a,  
105 8 unnumbered paragraph 3, Code 2007, is amended to read as  
105 9 follows:

105 10 Sec. 236. 2007 Iowa Acts, Senate File 74, section 43, is  
105 11 repealed.

105 12 Sec. 237. 2007 Iowa Acts, Senate File 403, section 29, if  
105 13 enacted, is amended to read as follows:

105 14 SEC. 29. EFFECTIVE DATE. The sections of this division of  
105 15 this Act enacting section 268.6 and amending section ~~534B.54~~  
105 16 543B.54 take effect July 1, 2007.

105 17 Sec. 238. 2007 Iowa Acts, Senate File 535, section 44,  
105 18 subsection 1, unnumbered paragraph 1, is amended to read as  
105 19 follows:

105 20 If 2007 Iowa Acts, House File 716 is enacted,  
105 21 notwithstanding section ~~4.1~~ 4.8, all of the following apply:

105 22 SF 601

105 23 mg:jp/cc/26