

PROOF

STATE OF IOWA

House Journal

FRIDAY, APRIL 25, 2008

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JOURNAL OF THE HOUSE

One Hundred Third Calendar Day - Seventy-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 25, 2008

The House met pursuant to adjournment at 9:05 a.m., Reasoner of Union in the chair.

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

PLEDGE OF ALLEGIANCE

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

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

LEAVE OF ABSENCE

Leave of absence were granted as follows:

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

CONSIDERATION OF BILLS

Appropriations Calendar

The House resumed consideration of [House File 2700](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive, applicability date provisions, previously deferred. Found on pages 1853 through 1860 of the April 24, 2008 House Journal.

Frevert of Palo Alto offered the following amendment [H-8686](#) filed by her and moved its adoption:

[H-8686](#)

- 1 Amend [House File 2700](#) as follows:
- 2 1. Page 21, by inserting after line 14 the
- 3 following:
- 4 "Sec. ___ . Section 97A.10, Code 2007, is amended
- 5 to read as follows:
- 6 97A.10 PURCHASE OF ELIGIBLE SERVICE CREDIT.
- 7 1. For purposes of this section:
- 8 a. "Eligible qualified service" means ~~as follows:~~
- 9 ~~(1) Service with the department prior to July 1,~~
- 10 ~~1994, in a position as a gaming enforcement officer,~~
- 11 ~~fire prevention inspector peace officer, or as an~~
- 12 ~~employee of the division of capitol police except~~
- 13 ~~clerical workers.~~
- 14 ~~(2) Service~~ service as a member of a city fire
- 15 retirement system or police retirement system
- 16 operating under chapter 411 prior to January 1, 1992,
- 17 for which service was not eligible to be transferred
- 18 to this system pursuant to section 97A.17.
- 19 Eligible qualified service under this paragraph "a"
- 20 does not include service if the receipt of credit for
- 21 such service would result in the member receiving a
- 22 retirement benefit under more than one retirement plan
- 23 for the same period of service.
- 24 b. "Permissive service credit" means credit that
- 25 will be recognized by the retirement system for
- 26 purposes of calculating a member's benefit, for which
- 27 the member did not previously receive service credit
- 28 in the retirement system, and for which the member
- 29 voluntarily contributes to the retirement system the
- 30 amount required by the retirement system, not in
- 31 excess of the amount necessary to fund the benefit
- 32 attributable to such service.
- 33 2. An active member of the system may make
- 34 contributions to the system to purchase up to the
- 35 maximum amount of permissive service credit for
- 36 eligible qualified service as determined by the
- 37 system, pursuant to Internal Revenue Code section
- 38 415(n) and the requirements of this section. A member
- 39 seeking to purchase permissive service credit pursuant
- 40 to this section shall file a written application along
- 41 with appropriate documentation with the department by
- 42 July 1, ~~2007~~ 2009.
- 43 3. A member making contributions for a purchase of
- 44 permissive service credit for eligible qualified
- 45 service under this section shall make contributions in
- 46 an amount equal to the actuarial cost of the
- 47 permissive service credit purchase, less an amount

48 equal to the member's contributions under chapter 411
 49 for the period of eligible qualified service together
 50 with interest at a rate determined by the board of

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1 trustees. For purposes of this subsection, the
 2 actuarial cost of the permissive service credit
 3 purchase is an amount determined by the system in
 4 accordance with actuarial tables, as reported to the
 5 system by the system's actuary, which reflects the
 6 actuarial cost necessary to fund an increased
 7 retirement allowance resulting from the purchase of
 8 permissive service credit."

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

11 "Sec. ___. PUBLIC SAFETY PEACE OFFICERS'
 12 RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM –
 13 ADDITIONAL APPROPRIATION FOR PURCHASE OF SERVICE. If
 14 section 97A.10 is amended by the 2008 Session of the
 15 Eighty-second General Assembly to provide for the
 16 purchase of eligible service credit on and after July
 17 1, 2008, there shall be appropriated from the general
 18 fund of the state to the retirement fund described in
 19 section 97A.8 an amount equal to that portion of the
 20 actuarial cost of the permissive service credit
 21 purchase for eligible service credit that is not
 22 required to be contributed by a member making
 23 contributions to the system for that purchase."

24 3. By renumbering as necessary.

Amendment [H-8686](#) was adopted.

Thomas of Clayton asked and received unanimous consent to withdraw amendment [H-8690](#) filed by him on April 24, 2008.

Hoffman of Crawford asked and received unanimous consent that amendment [H-8691](#) be deferred.

Quirk of Chickasaw asked and received unanimous consent that amendment [H-8696](#) be deferred.

Oldson of Polk offered the following amendment [H-8708](#) filed by her and moved its adoption,

[H-8708](#)

1 Amend [House File 2700](#) as follows:
 2 1. Page 21, by inserting after line 14 the
 3 following:

- 4 "Sec. ____ Section 135.63, subsection 2, paragraph
5 1, Code 2007, is amended to read as follows:
6 1. The replacement or modernization of any
7 institutional health facility if the replacement or
8 modernization does not add new health services or
9 additional bed capacity for existing health services,
10 notwithstanding any provision in this division to the
11 contrary. With reference to a hospital, "replacement"
12 means establishing a new hospital that demonstrates
13 compliance with all of the following criteria through
14 evidence submitted to the department:
15 (1) Is designated as a critical access hospital
16 pursuant to 42 U.S.C. § 1395i-4.
17 (2) Serves at least seventy-five percent of the
18 same service area that was served by the prior
19 hospital to be closed and replaced by the new
20 hospital.
21 (3) Provides at least seventy-five percent of the
22 same services that were provided by the prior hospital
23 to be closed and replaced by the new hospital.
24 (4) Is staffed by at least seventy-five percent of
25 the same staff, including medical staff, contracted
26 staff, and employees, as constituted the staff of the
27 prior hospital to be closed and replaced by the new
28 hospital."
29 2. Page 21, line 22, by striking the words "one
30 thousand" and inserting the following: "five
31 hundred".
32 3. Page 21, line 24, by inserting after the word
33 "department." the following: "The annual licensure
34 fee shall be dedicated to support and provide
35 educational programs on regulatory issues for
36 hospitals licensed under this chapter in consultation
37 with the hospital licensing board."
38 4. Page 22, by striking lines 1 through 35 and
39 inserting the following:
40 "Sec. ____ Section 135B.10, Code 2007, is amended
41 to read as follows:
42 135B.10 HOSPITAL LICENSING BOARD.
43 The governor shall appoint ~~five six~~ individuals ~~who~~
44 ~~possess recognized ability in the field of hospital~~
45 ~~administration~~, to serve as the hospital licensing
46 board within the department. Five members shall
47 possess recognized ability in the field of hospital
48 administration and one member shall be a member of the
49 general public."
50 5. Page 40, by striking lines 12 and 13.

Amendment [H-8708](#) was adopted, placing out of order amendment [H-8691](#), previously deferred, filed by Hoffman of Crawford on April 24, 2008.

Mascher of Johnson offered the following amendment [H-8709](#) filed by her and Rants of Woodbury and moved its adoption:

[H-8709](#)

1 Amend [House File 2700](#) as follows:

2 1. Page 24, by inserting after line 5 the
3 following:

4 "Sec.____. Section 216A.162, subsection 2, if
5 enacted by 2008 Iowa Acts, [Senate File 2400](#), is
6 amended to read as follows:

7 2. The purpose of the commission shall be to work
8 in concert with ~~tribal governments~~, Native American
9 groups; and Native ~~American persons~~ Americans in his
10 state to advance the interests of ~~tribal governments~~
11 ~~and Native American persons~~ Americans in the areas of
12 human rights, access to justice, economic equality,
13 and the elimination of discrimination.

14 Sec.____. Section 216A.162, subsection 3,
15 paragraph a, if enacted by 2008 Iowa Acts, Senate File
16 2400, is amended to read as follows:

17 a. Seven public members appointed in compliance
18 with sections 69.16 and 69.16A who shall be appointed
19 with consideration given to the geographic residence
20 of the member and the population density of Native
21 Americans within the vicinity of the geographic
22 residence of a member. Of the seven public members
23 appointed, at least one shall be a Native American who
24 is an enrolled tribal member living on a tribal
25 settlement or reservation in Iowa and whose tribal
26 government is located in Iowa ~~and one shall be a~~
27 ~~Native American who is primarily descended from a~~
28 ~~tribe other than those specified in paragraph "b".~~

29 Sec.____. Section 216A.165, if enacted by 2008
30 Iowa Acts, [Senate File 2400](#), is amended to read as
31 follows:

32 216A.165 DUTIES.

33 The commission shall have all powers necessary to
34 carry out the functions and duties specified in this
35 subchapter and shall do all of the following:

36 1. Advise the governor and the general assembly on
37 issues confronting ~~tribal governments and~~ Native
38 ~~American persons~~ Americans in this state.

39 2. Promote legislation beneficial to ~~tribal~~
40 ~~governments and~~ Native ~~American persons~~ Americans in
41 this state.

42 3. Recommend to the governor and the general
43 assembly any revisions in the state's affirmative

44 action program and other steps necessary to eliminate
 45 discrimination against and the underutilization of
 46 Native ~~American persons~~ Americans in the state's
 47 workforce.
 48 4. Serve as a conduit to state government for
 49 Native ~~American persons~~ Americans in this state.
 50 5. Serve as an advocate for Native ~~American~~

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1 ~~persons~~ Americans and a referral agency to assist
 2 Native ~~American persons~~ Americans in securing access
 3 to justice and state agencies and programs.
 4 6. Serve as a liaison with federal, state, and
 5 local governmental units, and private organizations on
 6 matters relating to Native ~~American persons~~ Americans
 7 in this state.
 8 7. Conduct studies, make recommendations, and
 9 implement programs designed to solve the problems of
 10 Native ~~American persons~~ Americans in this state in the
 11 areas of human rights, housing, education, welfare,
 12 employment, health care, access to justice, and any
 13 other related problems.
 14 8. Publicize the accomplishments of Native
 15 ~~American persons~~ Americans and their contributions to
 16 this state.
 17 9. Work with other state, tribal, and federal
 18 agencies and organizations to develop small business
 19 opportunities and promote economic development for
 20 Native ~~American persons~~ Americans.
 21 Sec.____. Section 216A.166, if enacted by 2008
 22 Iowa Acts, [Senate File 2400](#), is amended to read as
 23 follows:
 24 216A.166 REVIEW OF GRANT APPLICATIONS AND BUDGET
 25 REQUESTS.
 26 Before the submission of an application, a state
 27 department or agency shall consult with the commission
 28 concerning an application for federal funding that
 29 will have its primary effect on ~~tribal governments or~~
 30 Native ~~American persons~~ Americans. The commission
 31 shall advise the governor, the director of the
 32 department of human rights, and the director of
 33 revenue concerning any state agency budget request
 34 that will have its primary effect on ~~tribal~~
 35 ~~governments or~~ Native ~~American persons~~ Americans."
 36 2. By renumbering as necessary.

Amendment [H-8709](#) was adopted.

Van Fossen of Scott offered the following amendment [H-8665](#) filed by him and moved its adoption:

[H-8665](#)

1 Amend [House File 2700](#) as follows:
 2 1. Page 24, by striking lines 7 through 9 and
 3 inserting the following:
 4 "It is the goal of the state of Iowa that every
 5 employee of a public school corporation be provided
 6 with a competitive living wage which does not result
 7 in any increase in individual or corporate income tax
 8 rates, sales or use tax rates, or property taxes,
 9 including but not limited to new levies or increased
 10 levy rates."

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

Rule 75 was invoked.

On the question "Shall amendment [H-8665](#) be adopted?" ([H.F. 2700](#))

The ayes were, 42:

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

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Foege
Ford	Frevrt	Gaskill	Gayman
Heddens	Hunter	Jacoby	Jochum
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reichert	Schueller	Shomshor

Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Reasoner, Presiding	

Absent or not voting, 7:

Arnold	Davitt	Horbach	Huser
Roberts	Tomenga	Upmeyer	

Amendment [H-8665](#) lost.

Rants of Woodbury offered the following amendment [H-8672](#) filed by him and moved its adoption:

[H-8672](#)

- 1 Amend [House File 2700](#) as follows:
- 2 1. Page 24, by striking lines 10 through 33.

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

On the question "Shall amendment [H-8672](#) be adopted?" ([H.F. 2700](#))

The ayes were, 45:

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

The nays were, 50:

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

Olson, R.	Olson, T.	Petersen	Quirk
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Reasoner, Presiding		

Absent or not voting, 5:

Arnold	Granzow	Roberts	Tomenga
Upmeyer			

Amendment [H-8672](#) lost.

Heaton of Henry offered amendment [H-8700](#) filed by Arnold of Lucas as follows:

[H-8700](#)

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

Oldson of Polk rose on a point of order that amendment [H-8700](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8700](#) not germane.

Van Fossen of Scott offered amendment [H-8668](#) filed by him as follows:

[H-8668](#)

- 1 Amend [House File 2700](#) as follows:
- 2 1. Page 26, by inserting after line 1 the
- 3 following:
- 4 "Sec. ____ Section 423.3, subsection 78,
- 5 unnumbered paragraph 2, Code Supplement 2007, is
- 6 amended to read as follows:
- 7 This exemption does not apply to the sales price

8 from games of skill, games of chance, raffles, and
 9 bingo games as defined in chapter 99B. However, this
 10 exemption applies to the sales price from raffles held
 11 by public elementary schools in the state. This
 12 exemption is disallowed on the amount of the sales
 13 price only to the extent the profits from the sales,
 14 rental, or services are not used by or donated to the
 15 appropriate entity and expended for educational,
 16 religious, or charitable purposes."
 17 2. Page 41, by inserting before line 27 the
 18 following:
 19 "Sec. __. EFFECTIVE DATE. The section of this
 20 division of this Act amending section 423.3,
 21 subsection 78, being deemed of immediate importance,
 22 takes effect upon enactment."

Oldson of Polk rose on a point of order that amendment [H-8668](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8668](#) not germane.

Van Fossen of Scott moved to suspend the rules to consider amendment [H-8668](#).

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

On the question "Shall the rules be suspended to consider amendment [H-8668](#)?" ([H.F. 2700](#))

The ayes were, 43:

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

The nays were, 51:

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

Absent or not voting, 6:

Arnold	Gayman	Murphy, Spkr.	Roberts
Tomenga	Upmeyer		

The motion to suspend the rules lost.

Sands of Louisa offered amendment [H-8670](#) filed by him as follows:

[H-8670](#)

- 1 Amend [House File 2700](#) as follows:
- 2 1. Page 26, by inserting after line 1 the
- 3 following:
- 4 "Sec. ___. NEW SECTION. 422.72A SUSPECTED MISUSE
- 5 OF PERSONAL INFORMATION – NOTICE REQUIRED.
- 6 1. For the purposes of this section, the following
- 7 definitions apply:
- 8 a. "Affected individual" means an individual who
- 9 is identified by or connected with personal
- 10 information contained in the department's records.
- 11 b. "Personal information" means all of the
- 12 following:
- 13 (1) Social security number.
- 14 (2) Tax identification number.
- 15 (3) Driver's license number or other unique
- 16 identification number created or collected by a
- 17 government body.
- 18 (4) Financial account number, credit card number,
- 19 or debit card number in combination with any required
- 20 security code, access code, or password that would
- 21 permit access to an individual's financial account.
- 22 (5) Unique electronic identifier or routing code,
- 23 in combination with any required security code, access

24 code, or password.
25 c. "Suspected misuse of personal information"
26 means circumstances exist which would cause a
27 reasonable person to believe that an individual's
28 personal information is being used by an unauthorized
29 individual. Such circumstances include but are not
30 limited to either of the following:
31 (1) A tax identification number under which wages
32 are being reported by two or more individuals.
33 (2) A tax identification number of an individual
34 under the age of sixteen with reported wages exceeding
35 one thousand dollars for a single quarterly period.
36 2. a. Unless otherwise prohibited by state or
37 federal law, the department shall provide notice to
38 each affected individual if department records
39 indicate a suspected misuse of personal information.
40 Notice shall be made without unreasonable delay. If
41 the affected individual is a minor, notice shall be
42 provided to the minor's parent or guardian.
43 b. Notice of the suspected misuse of personal
44 information shall also be provided to an appropriate
45 law enforcement agency.
46 3. Notice provided to an affected individual shall
47 be clear and conspicuous and be provided by at least
48 one of the following:
49 a. Written notice to the affected individual's
50 last address of record.

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1 b. Electronic mail notice, if the affected
2 individual has agreed to receive communications
3 electronically.
4 c. Telephonic notice, if the communication is made
5 directly with the affected individual."

Oldson of Polk rose on a point of order that amendment [H-8670](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8670](#) not germane.

Sands of Louisa moved to suspend the rules to consider amendment [H-8670](#).

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

On the question "Shall the rules be suspended to consider amendment [H-8670](#)?" ([H.F. 2700](#))

The ayes were, 45:

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

The nays were, 50:

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

Absent or not voting, 5:

Arnold	Jacoby	Roberts	Tomenga
Van Engelenhoven			

The motion to suspend the rules lost.

Gipp of Winneshiek offered amendment [H-8671](#) filed by him as follows:

[H-8671](#)

- 1 Amend [House File 2700](#) as follows:
- 2 1. Page 26, by inserting after line 1 the
- 3 following:
- 4 "Sec. ____. NEW SECTION. 422.11V CHARITABLE

5 CONSERVATION CONTRIBUTION TAX CREDIT.

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

19 2. For purposes of this section, "conservation
20 purpose", "qualified organization", and "qualified
21 real property interest" mean the same as defined for
22 the qualified conservation contribution under section
23 170(h) of the Internal Revenue Code, except that a
24 conveyance of land for open space for the purpose of
25 fulfilling density requirements to obtain subdivision
26 or building permits shall not be considered a
27 conveyance for a conservation purpose.

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

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

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

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

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1 The amount of the contribution for which the tax
2 credit is claimed shall not be deductible in

3 determining taxable income for state tax purposes.
4 b. For purposes of this section, "conservation
5 purpose", "qualified organization", and "qualified
6 real property interest" mean the same as defined for
7 the qualified conservation contribution under section
8 170(h) of the Internal Revenue Code, except that a
9 conveyance of land for open space for the purpose of
10 fulfilling density requirements to obtain subdivision
11 or building permits shall not be considered a
12 conveyance for a conservation purpose.
13 c. Any credit in excess of the tax liability is
14 not refundable but the excess for the tax year may be
15 credited to the tax liability for the following twenty
16 tax years or until depleted, whichever is the
17 earlier."

18 2. Page 41, by inserting after line 27 the
19 following:
20 "Sec.____. RETROACTIVE APPLICABILITY DATE. The
21 sections of this division of this Act enacting section
22 422.11V and section 422.33, subsection 25, apply
23 retroactively to January 1, 2008, for tax years
24 beginning on or after that date."

Oldson of Polk rose on a point of order that amendment [H-8671](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8671](#) not germane.

Bell of Jasper asked and received unanimous consent to withdraw amendment [H-8693](#) filed by him on April 24, 2008.

Paulsen of Linn offered amendment [H-8705](#) filed by him as follows:

[H-8705](#)

1 Amend [House File 2700](#) as follows:
2 1. Page 26, by inserting after line 1 the
3 following:
4 "Sec.____. Section 423.3, Code Supplement 2007, is
5 amended by adding the following new subsection:
6 [NEW SUBSECTION](#). 25A. The sales price of food,
7 beverages, and other tangible personal property when
8 sold at concession stands by nonprofit youth sports
9 organizations."
10 2. Page 41, by inserting before line 9 the
11 following:

12 "Sec.____. REFUNDS. Refunds of taxes, interest,
 13 or penalties which arise from claims resulting from
 14 the enactment of section 423.3, subsection 25A, by
 15 this division of this Act, for the sale of food,
 16 beverages, and other tangible personal property at
 17 concession stands occurring between July 1, 1998, and
 18 the effective date of the enactment of section 423.3,
 19 subsection 25A, shall be limited to fifty thousand
 20 dollars in the aggregate and shall not be allowed
 21 unless refund claims are filed prior to October 1,
 22 2008, notwithstanding any other provision of law. If
 23 the amount of claims totals more than fifty thousand
 24 dollars in the aggregate, the department of revenue
 25 shall prorate the fifty thousand dollars among all
 26 claimants in relation to the amounts of the claimants'
 27 valid claims.

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

Oldson of Polk rose on a point of order that amendment [H-8705](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8705](#) not germane.

Paulsen of Linn moved to suspend the rules to consider amendment [H-8705](#).

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

On the question "Shall the rules be suspended to consider amendment [H-8705](#)?" ([H.F. 2700](#))

The ayes were, 46:

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

Van Engelenhoven Windschitl	Van Fossen Worthan	Watts	Wiencek
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The nays were, 49:

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

Absent or not voting, 5:

Arnold	Hoffman	Roberts	Tomenga
Winckler			

The motion to suspend the rules lost.

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

Watts of Dallas offered amendment [H-8669](#) filed by him as follows:

[H-8669](#)

1 Amend [House File 2700](#) as follows:
2 1. Page 26, by inserting after line 18 the
3 following:
4 "Sec. ____ Section 423B.1, subsection 3, Code
5 Supplement 2007, is amended to read as follows:
6 3. A local option tax shall be imposed only after
7 an election at which a majority of those voting on the
8 question favors imposition and shall then be imposed
9 until repealed as provided in subsection 6, paragraph
10 "a". If the tax is a local vehicle tax imposed by a
11 county, it shall apply to all incorporated and
12 unincorporated areas of the county. If the tax is a
13 local sales and services tax imposed by a county, it
14 shall only apply to those incorporated areas and the
15 unincorporated area of that county in which a majority
16 of those voting in the area on the tax favors its

17 imposition. For purposes of the local sales and
18 services tax, all cities contiguous to each other
19 shall be treated as part of one incorporated area and
20 the tax would be imposed in each of those contiguous
21 cities only if the majority of those voting in the
22 total area covered by the contiguous cities favors its
23 imposition. In the case of a local sales and services
24 tax submitted to the registered voters of two or more
25 contiguous counties as provided in subsection 4,
26 paragraph "c", all cities contiguous to each other and
27 where the boundaries overlap county lines shall be
28 treated as part of one incorporated area, ~~even if the~~
29 ~~corporate boundaries of one or more of the cities~~
30 ~~include areas of more than one county,~~ and the tax
31 shall be imposed in each of those contiguous cities
32 only if a majority of those voting on the tax in the
33 total area covered by the contiguous cities favored
34 its imposition. For purposes of the local sales and
35 services tax, a city is not contiguous to another city
36 if the only road access between the two cities is
37 through another state.

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

41 If a majority of those voting on the question of
42 imposition of a local option tax favors imposition of
43 a local option tax, the governing body of that county
44 shall impose the tax at the rate specified for an
45 unlimited period. However, in the case of a local
46 sales and services tax, the county shall not impose
47 the tax in any incorporated area or the unincorporated
48 area if the majority of those voting on the tax in
49 that area did not favor its imposition. For purposes
50 of the local sales and services tax, all cities

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1 contiguous to each other shall be treated as part of
2 one incorporated area and the tax shall be imposed in
3 each of those contiguous cities only if the majority
4 of those voting on the tax in the total area covered
5 by the contiguous cities favored its imposition. In
6 the case of a local sales and services tax submitted
7 to the registered voters of two or more contiguous
8 counties as provided in subsection 4, paragraph "c",
9 all cities contiguous to each other and where the
10 boundaries overlap county lines shall be treated as
11 part of one incorporated area, ~~even if the corporate~~
12 ~~boundaries of one or more of the cities include areas~~
13 ~~of more than one county,~~ and the tax shall be imposed
14 in each of those contiguous cities only if a majority

15 of those voting on the tax in the total area covered
16 by the contiguous cities favored its imposition.
17 Sec. ____ Section 423B.5, unnumbered paragraph 1,
18 Code 2007, is amended to read as follows:
19 A local sales and services tax at the rate of not
20 more than one percent may be imposed by a county on
21 the sales price taxed by the state under chapter 423,
22 subchapter II. A local sales and services tax shall
23 be imposed on the same basis as the state sales and
24 services tax or in the case of the use of natural gas,
25 natural gas service, electricity, or electric service
26 on the same basis as the state use tax and shall not
27 be imposed on the sale of any property or on any
28 service not taxed by the state, except the tax shall
29 not be imposed on the sales price from the sale of
30 motor fuel or special fuel as defined in chapter 452A
31 which is consumed for highway use or in watercraft or
32 aircraft if the fuel tax is paid on the transaction
33 and a refund has not or will not be allowed, on the
34 sales price from the sale of equipment by the state
35 department of transportation, or on the sales price
36 from the sale or use of natural gas, natural gas
37 service, electricity, or electric service in a city or
38 county where the sales price from the sale of natural
39 gas or electric energy is subject to a franchise fee
40 or user fee during the period the franchise or user
41 fee is imposed. A local sales and services tax is
42 applicable to transactions within those incorporated
43 and unincorporated areas of the county where it is
44 imposed and shall be collected by all persons required
45 to collect state sales taxes. All cities contiguous
46 to each other shall be treated as part of one
47 incorporated area and the tax would be imposed in each
48 of those contiguous cities only if the majority of
49 those voting in the total area covered by the
50 contiguous cities favors its imposition. In the case

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1 of a local sales and services tax submitted to the
2 registered voters of two or more contiguous counties
3 as provided in section 423B.1, subsection 4, paragraph
4 "c", all cities contiguous to each other and where the
5 boundaries overlap county lines shall be treated as
6 part of one incorporated area, ~~even if the corporate~~
7 ~~boundaries of one or more of the cities include areas~~
8 ~~of more than one county~~, and the tax shall be imposed
9 in each of those contiguous cities only if a majority
10 of those voting on the tax in the total area covered
11 by the contiguous cities favored its imposition."

Oldson of Polk rose on a point of order that amendment [H-8669](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8669](#) not germane.

Watts of Dallas moved to suspend the rules to consider amendment [H-8669](#).

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

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

The ayes were, 41:

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

The nays were, 49:

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

Absent or not voting, 10:

Arnold	Boal	Ford	Gayman
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Kuhn
Tymeson

Reichert
Zirkelbach

Roberts

Tomenga

The motion to suspend the rules lost.

Dolecheck of Ringgold offered the following amendment [H-8694](#) filed by him and Wendt of Woodbury and moved its adoption:

[H-8694](#)

1 Amend [House File 2700](#) as follows:

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

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

8 (2) "Sales tax capacity per student" means for a
9 school district the estimated amount of revenues that
10 a school district would receive if a local sales and
11 services tax for school infrastructure purposes was
12 imposed at one percent in the county pursuant to
13 section 423E.2, Code 2007, ~~as computed in subsection~~
14 ~~8~~, divided by the school district's actual enrollment
15 as determined in section 423E.3, subsection 5,
16 paragraph "d".

17 Sec.____. Section 423E.4, subsection 3, paragraph
18 b, subparagraph (3), Code 2007, as amended by 2008
19 Iowa Acts, [House File 2663](#), section 22, if enacted, is
20 amended to read as follows:

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

31 Sec.____. Section 423E.4, subsection 8, as enacted
32 by 2008 Iowa Acts, [House File 2663](#), section 25, if
33 enacted, is amended by striking the subsection.

34 Sec.____. Section 423F.2, subsection 1, paragraph
35 b, as enacted by 2008 Iowa Acts, [House File 2663](#),
36 section 28, if enacted, is amended to read as follows:

37 b. The increase in the state sales, services, and
38 use taxes under chapter 423, subchapters II and III,

39 from five percent to six percent shall replace the
40 repeal of the county's local sales and services tax
41 for school infrastructure purposes. The distribution
42 of moneys in the secure an advanced vision for
43 education fund and the use of the moneys for
44 infrastructure purposes or property tax relief shall
45 be as provided in this chapter. However, the formula
46 for the distribution of the moneys in the fund shall
47 be based upon amounts that would have been received if
48 the local sales and services taxes under chapter 423E,
49 Code 2007, continued in existence, ~~as computed~~
50 ~~pursuant to section 423E.4, subsection 8."~~

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1 2. Page 40, by inserting after line 12 the
2 following:
3 "Sec. ____ 2008 Iowa Acts, [House File 2663](#),
4 section 15, if enacted, is amended by striking the
5 section and inserting in lieu thereof the following:
6 SEC. 15. Section 423E.3, subsections 1 and 4, Code
7 2007, are amended by striking the subsections."

Amendment [H-8694](#) was adopted.

Rants of Woodbury asked and received unanimous consent that amendment [H-8707](#) be deferred.

Shomshor of Pottawattamie offered the following amendment [H-8710](#) filed by him and Huser of Polk and moved its adoption:

[H-8710](#)

1 Amend [House File 2700](#) as follows:
2 1. By striking page 28, line 16, through page 29,
3 line 7.
4 2. Page 29, by striking lines 14 through 21.

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

May of Dickinson offered amendment [H-8667](#) filed by him as follows:

[H-8667](#)

1 Amend [House File 2700](#) as follows:
2 1. Page 30, by inserting after line 16 the
3 following:
4 "Sec. ____ Section 481A.122, subsection 2, Code
5 2007, is amended to read as follows:
6 2. A person, except for a licensed falconer, shall
7 not hunt upland game birds, as defined by the
8 department, unless the person is at the time wearing
9 one or more of the following articles of visible,
10 external apparel: A hat, cap, vest, coat, jacket,
11 sweatshirt, sweater, shirt, or coveralls, the color
12 and material of which shall be at least fifty percent
13 solid blaze orange."

Oldson of Polk rose on a point of order that amendment [H-8667](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8667](#) not germane.

Gayman of Scott offered the following amendment [H-8695](#) filed by Gayman et al., and moved its adoption:

[H-8695](#)

1 Amend [House File 2700](#) as follows:
2 1. By striking page 33, line 16, through page 34,
3 line 28.

Amendment [H-8695](#) was adopted, placing out of order amendment [H-8685](#) filed by Thomas of Clayton on April 24, 2008.

Alons of Sioux offered amendment [H-8675](#) filed by him as follows:

[H-8675](#)

1 Amend [House File 2700](#) as follows:
2 1. Page 34, by inserting after line 28 the
3 following:
4 "Sec. ____ Section 595.4, Code 2007, is amended to
5 read as follows:
6 595.4 AGE AND QUALIFICATION - RESIDENCY -
7 VERIFIED APPLICATION - WAITING PERIOD - EXCEPTION.
8 1. a. Previous to the issuance of any license to
9 marry, the parties desiring the license shall sign and
10 file a verified application with the county registrar

11 which application either may be mailed to the parties
12 at their request or may be signed by them at the
13 office of the county registrar in the county in which
14 the license is to be issued.

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

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

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

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

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

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

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

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1 3. A license to marry may be validated prior to
2 the expiration of three days from the date of issuance
3 of the license in cases of emergency or extraordinary
4 circumstances. An order authorizing the validation of
5 a license may be granted by a judge of the district
6 court under conditions of emergency or extraordinary
7 circumstances upon application of the parties filed
8 with the county registrar. No order may be granted

9 unless the parties have filed an application for a
 10 marriage license in a county within the judicial
 11 district. An application for an order shall be made
 12 on forms furnished by the county registrar at the same
 13 time the application for the license to marry is made.
 14 After examining the application for the marriage
 15 license and issuing the license, the county registrar
 16 shall refer the parties to a judge of the district
 17 court for action on the application for an order
 18 authorizing the validation of a marriage license prior
 19 to expiration of three days from the date of issuance
 20 of the license. The judge shall, if satisfied as to
 21 the existence of an emergency or extraordinary
 22 circumstances, grant an order authorizing the
 23 validation of a license to marry prior to the
 24 expiration of three days from the date of issuance of
 25 the license to marry. The county registrar shall
 26 validate a license to marry upon presentation by the
 27 parties of the order authorizing a license to be
 28 validated. A fee of five dollars shall be paid to the
 29 county registrar at the time the application for the
 30 order is made, which fee is in addition to the fee
 31 prescribed by law for the issuance of a marriage
 32 license.

33 Sec.____. Section 595.9, Code 2007, is amended to
 34 read as follows:

35 595.9 VIOLATIONS - PERJURY.

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

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

43 Sec.____. NEW SECTION. 595.21 NONRESIDENTS -
 44 MARRIAGE CONTRARY TO LAWS OF STATE OF RESIDENCE.

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

- 48 1. Is valid if such marriage would be valid if
- 49 contracted in the other jurisdiction.
- 50 2. Is void if such marriage would not be valid if

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1 contracted in the other jurisdiction."

Oldson of Polk rose on a point of order that amendment [H-8675](#)
 was not germane.

The Speaker ruled the point well taken and amendment [H-8675](#) not germane.

Alons of Sioux asked for unanimous consent to suspend the rules to consider amendment [H-8675](#).

Objection was raised.

Alons of Sioux moved to suspend the rules to consider amendment [H-8675](#).

Roll call was requested by Alons of Sioux and Tymeson of Madison.

On the question "Shall the rules be suspended to consider amendment [H-8675](#)?" ([H.F. 2700](#))

The ayes were, 39:

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

The nays were, 51:

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

Absent or not voting, 10:

Arnold	Gayman	Granzow	Hoffman
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Olson, R. Roberts Schickel Tomenga
 Van Engelenhoven Watts

The motion to suspend the rules lost.

Bell of Jasper asked and received unanimous consent to withdraw amendment [H-8692](#) filed by him on April 24, 2008.

Smith of Marshall offered the following amendment [H-8706](#) filed by him and moved its adoption:

[H-8706](#)

- 1 Amend [House File 2700](#) as follows:
- 2 1. Page 37, by striking lines 13 through 15 and
- 3 inserting the following: "attorney."

Amendment [H-8706](#) was adopted.

Rants of Woodbury offered the following amendment [H-8704](#) filed by him and moved its adoption:

[H-8704](#)

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

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

On the question "Shall amendment [H-8704](#) be adopted?" ([H.F. 2700](#))

The ayes were, 43:

Alons	Anderson	Baudler	Berry
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill

Raecker	Rants	Rasmussen	Rayhons
Sands	Soderberg	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 51:

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

Absent or not voting, 6:

Arnold	Hoffman	Reichert	Roberts
Schickel	Tomenga		

Amendment [H-8704](#) lost.

Baudler of Adair asked and received unanimous consent to withdraw amendment [H-8703](#) filed by him on April 24, 2008.

Baudler of Adair offered the following amendment [H-8712](#) filed by him and R. Olson of Polk and moved its adoption:

[H-8712](#)

- 1 Amend [House File 2700](#) as follows:
- 2 1. By striking page 38, line 35, through page 39,
- 3 line 32, and inserting the following:
- 4 "Sec. . **NEW SECTION.** 692A.3B PRESENCE ON THE
- 5 REAL PROPERTY COMPRISING A CHILD CARE FACILITY OR
- 6 CHILD CARE HOME – RESTRICTION.
- 7 1. As used in this section, "child care provider"
- 8 includes a "child care center", "child care home",
- 9 "child development home", and "preschool" as those
- 10 terms are defined in section 237A.1, and a "child care
- 11 program" as defined in section 279.49 and authorized
- 12 in section 280.3A.

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

20 a. The person is transporting a minor who is a
 21 child of the person to or from the child care
 22 provider.

23 b. The person is responding to a health or
 24 behavioral emergency regarding a minor who is the
 25 child of the person.

26 c. The person has been summoned to discuss the
 27 developmental activity or social progress of a minor
 28 who is a child of the person.

29 d. The person is voting in the building in which
 30 the child care provider is located during the hours
 31 designated to vote.

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

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

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

44 A person eighteen years of age or older is upon
 45 conviction guilty of ~~an aggravated misdemeanor~~ a class
 46 "D" felony if the person commits any of the following
 47 acts with a child, not the person's spouse, with or
 48 without the child's consent, for the purpose of
 49 arousing or satisfying the sexual desires of either of
 50 them:

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

3 709.14 LASCIVIOUS CONDUCT WITH A MINOR.

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

10 2. Lascivious conduct with a minor as prohibited
 11 in subsection 1 is a ~~serious~~ aggravated misdemeanor."

Roll call was requested by Baudler of Adair and Raecker of Polk.

On the question “Shall amendment [H-8712](#) be adopted?” ([H.F. 2700](#))

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Arnold	Hoffman	Roberts	Tomenga
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Amendment [H-8712](#) was adopted.

Horbach of Tama offered amendment [H-8682](#) filed by him as follows:

[H-8682](#)

- 1 Amend [House File 2700](#) as follows:
- 2 1. Page 39, by inserting after line 32 the

3 following:

4 "Sec. ____ Section 717F.1, subsection 5, paragraph
5 b, Code Supplement 2007, is amended to read as
6 follows:

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

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

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

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

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

Oldson of Polk rose on a point of order that amendment [H-8682](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8682](#) not germane.

Wise of Lee asked and received unanimous consent that amendment [H-8676](#) be deferred.

Wenthe of Fayette offered the following amendment [H-8678](#) filed by him and moved its adoption:

[H-8678](#)

1 Amend [House File 2700](#) as follows:

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

4 "Sec. ____ INDEPENDENT REDEMPTION CENTER GRANT

5 FUND. There is appropriated from the general fund of
 6 the state to the department of natural resources for
 7 the fiscal year beginning July 1, 2008, and ending
 8 June 30, 2009, the following amount, or so much
 9 thereof as is necessary, to be used for the purpose
 10 designated:

11 For deposit in the independent redemption center
 12 fund created in section 455C.17, as enacted in this
 13 division of this Act:

14 \$ 1,000,000"

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

On the question "Shall amendment [H-8678](#) be adopted?" ([H.F. 2700](#))

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Arnold	Boal	Roberts	Tomenga
Van Fossen			

Amendment [H-8678](#) was adopted.

Frevert of Palo Alto asked and received unanimous consent to withdraw amendment [H-8681](#) filed by her on April 24, 2008.

Huser of Polk offered the following amendment [H-8711](#) filed by her and moved its adoption:

[H-8711](#)

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

Amendment [H-8711](#) was adopted.

Wendt of Woodbury offered the following amendment [H-8702](#) filed by him and moved its adoption:

[H-8702](#)

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

12 adjustment being made in the fiscal year beginning
13 July 1, 2008."

Amendment [H-8702](#) was adopted.

Tymeson of Madison offered the following amendment [H-8680](#) filed by Tymeson et al., and moved its adoption:

[H-8680](#)

- 1 Amend [House File 2700](#) as follows:
- 2 1. By striking page 41, line 28, through page 42,
- 3 line 25.

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

Rule 75 was invoked

On the question "Shall amendment [H-8680](#) be adopted?" ([H.F. 2700](#))

The ayes were, 48:

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

The nays were, 49:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor

Smith	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 3:

Arnold	Roberts	Tomenga
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Amendment [H-8680](#) lost.

Baudler of Adair offered amendment [H-8674](#) filed by him as follows:

[H-8674](#)

1 Amend [House File 2700](#) as follows:
 2 1. Page 45, by inserting before line 28 the
 3 following:
 4 "DIVISION _____
 5 PERMITS TO CARRY WEAPONS
 6 Sec. __. Section 229.24, subsection 1, Code 2007,
 7 is amended to read as follows:
 8 1. ~~All~~ Except as otherwise provided in this
 9 section, all papers and records pertaining to any
 10 involuntary hospitalization or application for
 11 involuntary hospitalization of any person under this
 12 chapter, whether part of the permanent record of the
 13 court or of a file in the department of human
 14 services, are subject to inspection only upon an order
 15 of the court for good cause shown. ~~Nothing in this~~
 16 This section shall not prohibit a hospital from
 17 complying with the requirements of this chapter and of
 18 chapter 230 relative to financial responsibility for
 19 the cost of care and treatment provided a patient in
 20 that hospital, ~~nor~~ or from properly billing any
 21 responsible relative or third-party payer for such
 22 care and treatment.
 23 Sec. __. Section 229.24, Code 2007, is amended by
 24 adding the following new subsection:
 25 NEW SUBSECTION. 4. The clerk of the district
 26 court shall provide to the department of public safety
 27 notice of all adjudications of persons involuntarily
 28 committed to a mental institution for inpatient or
 29 outpatient or other appropriate treatment by reason of
 30 serious mental impairment under this chapter. Such
 31 notice shall only be used by the department to submit
 32 information to the national instant criminal
 33 background system maintained by the federal bureau of
 34 investigation and shall otherwise remain confidential.

35 Sec. ____ Section 724.7, Code 2007, is amended to
36 read as follows:
37 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.
38 ~~Any A person who can reasonably justify going armed~~
39 ~~may~~ shall be issued a nonprofessional permit to carry
40 weapons. Such permits shall be on a form prescribed
41 and published by the commissioner of public safety,
42 which shall be readily distinguishable from the
43 professional permit, and shall identify the holder
44 thereof, and state the reason for the issuance of the
45 permit, and the limits of the authority granted by
46 such permit. All permits so issued shall be for a
47 definite period as established by the issuing officer,
48 but in no event shall exceed a period of twelve
49 months.
50 Sec. ____ Section 724.8, Code 2007, is amended to

Page 2

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

31 Sec. ____ Section 724.9, Code 2007, is amended to
 32 read as follows:
 33 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM.
 34 A training program to qualify persons in the safe
 35 use of firearms shall be provided by the issuing
 36 officer of permits, as provided in section 724.11.
 37 1. The commissioner of public safety shall
 38 establish minimum standards for a training program
 39 designed to qualify persons in the safe use of
 40 firearms and shall include a course of instruction
 41 designed to qualify a person on a firing range. The
 42 course of instruction shall be limited to a maximum of
 43 six hours in length. The course of instruction shall
 44 include all of the following:
 45 a. Firearms safety in the classroom, at home, on
 46 the firing range, and while carrying the firearm.
 47 b. A physical demonstration performed by the
 48 applicant that demonstrates the applicant's ability to
 49 safely load and unload a revolver or a semiautomatic
 50 pistol and the applicant's marksmanship.

Page 3

1 c. The basic principles of marksmanship.
 2 d. The law relating to firearms pursuant to this
 3 chapter.
 4 e. The law relating to the justifiable use of
 5 force pursuant to chapter 704.
 6 f. A live fire shooting test administered to an
 7 applicant pursuant to section 724.9A.
 8 2. The commissioner of public safety shall approve
 9 the training program, and the county sheriff or the
 10 commissioner of public safety conducting the training
 11 program within their respective jurisdictions may
 12 contract with a private organization or use the
 13 services of other agencies, or may use a combination
 14 of the two, to provide ~~such a~~ training program that
 15 meets the standards specified in subsection 1. Any
 16 person eligible to be issued a permit to carry weapons
 17 may enroll in such course. A fee sufficient to cover
 18 the cost of the program may be charged to each person
 19 attending. Certificates of completion, on a form
 20 prescribed and published by the commissioner of public
 21 safety, shall be issued by a qualified firearms safety
 22 instructor subject to the restrictions of section
 23 724.9B to each person who successfully completes the
 24 program. ~~No~~ A person shall ~~not~~ be issued either a
 25 professional or nonprofessional permit unless the
 26 person has received a certificate of completion or is
 27 a certified peace officer. ~~No~~ A peace officer or
 28 correctional officer, except a certified peace

29 officer, shall not go armed with a pistol or revolver
30 unless the officer has received a certificate of
31 completion, provided that this requirement shall not
32 apply to persons who are employed in this state as
33 peace officers on January 1, 1978 until July 1, 1978,
34 or to peace officers of other jurisdictions exercising
35 their legal duties within this state.

36 Sec.____. NEW SECTION. 724.9A LIVE FIRE SHOOTING
37 TEST.

38 1. A live fire shooting test shall be administered
39 in the presence of a firearms safety instructor
40 qualified under section 724.9C to an applicant for a
41 nonprofessional permit to carry weapons. The live
42 fire shooting test shall consist of thirty rounds
43 fired from a standing position or its equivalent at a
44 distance from a B-27 silhouette target or an FBI "Q"
45 target, ten rounds fired from a distance of five
46 yards, ten rounds fired from a distance of seven
47 yards, and ten rounds fired from a distance of ten
48 yards. Two sets of five rounds shall be fired
49 consecutively at each designated distance and each
50 five-round string shall be fired within thirty

Page 4

1 seconds. Twenty-one of the rounds fired must strike
2 either the eight-ring on the B-27 target or the
3 smallest FBI "Q" target to pass the live fire shooting
4 test.

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

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

20 Sec.____. NEW SECTION. 724.9B CERTIFICATE OF
21 COMPLETION.

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

26 1. Fails to demonstrate the requisite knowledge
27 and technique regarding the proper handling of a

28 firearm.

29 2. Handles a firearm in a manner that, in the
30 judgment of the qualified firearms safety instructor,
31 poses a danger to the applicant or others.

32 3. Fails the live fire shooting test pursuant to
33 the requirements specified in section 724.9A.

34 Sec.____. NEW SECTION. 724.9C QUALIFIED FIREARMS
35 SAFETY INSTRUCTOR.

36 A firearms safety instructor shall be considered to
37 be a qualified firearms safety instructor if the
38 instructor has any of the following qualifications:

39 1. Is a valid firearms safety instructor certified
40 by the national rifle association holding a rating as
41 a personal protection instructor or pistol
42 marksmanship instructor.

43 2. Submits a photocopy of a certificate of
44 completion of a firearms safety instructor course
45 offered by a local, state, or federal governmental
46 agency and approved by the department of public
47 safety.

48 3. Submits a photocopy of a certificate of
49 completion of a firearms safety instructor course
50 approved by the department of public safety.

Page 5

1 4. Has successfully completed a firearms safety
2 instructor course given by or under the supervision of
3 any state, county, municipal, or federal enforcement
4 agency.

5 5. Is a certified police officer firearms safety
6 instructor.

7 6. Is a certified law enforcement academy firearms
8 safety instructor.

9 Sec.____. Section 724.11, Code 2007, is amended to
10 read as follows:

11 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

12 1. Applications for permits to carry weapons shall
13 be made to the sheriff of the county in which the
14 applicant resides. Applications from persons who are
15 nonresidents of the state, or whose need to go armed
16 arises out of employment by the state, shall be made
17 to the commissioner of public safety. In either case,
18 the issuance of the permit shall be by and at the
19 discretion of the sheriff or commissioner, who shall,
20 before issuing the permit, determine that the
21 requirements of sections 724.6 to 724.10 have been
22 satisfied. However, the training program requirements
23 in section 724.9 ~~may~~ shall be waived for renewal
24 permits. If the sheriff or the commissioner restricts
25 or denies an application for a permit under this
26 section, the sheriff or commissioner shall provide a

27 written statement of the reasons for the restriction
28 or the denial to the applicant by certified mail
29 within fifteen working days of the filing of the
30 application.

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

47 Sec.____. NEW SECTION. 724.11A RECIPROCIDY.

48 A person possessing a valid permit issued by
49 another state to carry a weapon shall be entitled to
50 the privileges and subject to the restrictions

Page 6

1 prescribed in this chapter provided the state that
2 issued the license has training requirements that are
3 equal to or greater than the training requirements
4 prescribed by this chapter. The department of public
5 safety shall determine which states qualify as
6 reciprocal states, shall maintain an up-to-date list
7 of such states, and shall post such information on the
8 department's internet site.

9 Sec.____. NEW SECTION. 724.14 IMMUNITY.

10 The sheriff or the commissioner of public safety
11 shall not be liable for damages in any civil action
12 arising from the alleged wrongful issuance, renewal,
13 or failure to revoke a permit to carry weapons
14 provided that the sheriff or the commissioner acted
15 reasonably and in good faith and in accordance with
16 the provisions of this chapter in carrying out the
17 sheriff's or the commissioner's official duties.

18 Sec.____. EFFECTIVE DATE. The sections of this
19 division of this Act amending section 229.24 take
20 effect January 1, 2009."

Baudler of Adair offered the following amendment [H-8698](#), to
amendment [H-8674](#), filed by him and moved its adoption:

[H-8698](#)

- 1 Amend the amendment, [H-8674](#), to [House File 2700](#) as
 2 follows:
 3 1. Page 6, line 2, by inserting after the word
 4 "has" the following: "eligibility and".
 5 2. Page 6, line 3, by inserting after the word
 6 "the" the following: "eligibility and".

Amendment [H-8698](#) was adopted.

Hunter of Polk rose on a point of order that amendment [H-8674](#), as amended, was not germane.

The Speaker ruled the point well taken and amendment [H-8674](#), as amended, not germane.

Baudler of Adair asked for unanimous consent to suspend the rules to consider amendment [H-8674](#), as amended.

Objection was raised.

Baudler of Adair moved to suspend the rules to consider amendment [H-8674](#), as amended.

Rule 75 was invoked.

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

On the question "Shall the rules be suspended to consider amendment [H-8674](#), as amended?" ([H.F. 2700](#))

The ayes were, 49:

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

Watts	Wiencek	Windschitl	Worthan
Zirkelbach			

The nays were, 46:

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

Absent or not voting, 5:

Arnold	Dandekar	Roberts	Tomenga
Wise			

The motion to suspend the rules lost.

Chambers of O'Brien offered amendment [H-8688](#) filed by him as follows:

[H-8688](#)

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

Oldson of Polk rose on a point of order that amendment [H-8688](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8688](#) not germane.

Chambers of O'Brien asked for unanimous consent to suspend the rules to consider amendment [H-8688](#).

Objection was raised.

Chambers of O'Brien moved to suspend the rules to consider amendment [H-8688](#).

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

On the question "Shall the rules be suspended to consider amendment [H-8688](#)?" ([H.F. 2700](#))

The ayes were, 43:

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

The nays were, 50:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith

Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 7:

Arnold	Dandekar	Heaton	McCarthy
Mertz	Roberts	Tomenga	

The motion to suspend the rules lost.

R. Olson of Polk offered amendment [H-8701](#) filed by him as follows:

[H-8701](#)

1 Amend [House File 2700](#) as follows:
2 1. Page 45, by inserting after line 27 the
3 following:
4 "DIVISION _____
5 RETIREMENT FOR SENIOR JUDGES
6 Sec.____. Section 602.9202, Code 2007, is amended
7 by adding the following new subsection:
8 NEW SUBSECTION. 3A. "Senior judge retirement age"
9 means seventy-eight years of age or, if the senior
10 judge is reappointed as a senior judge for an
11 additional two-year term upon attaining seventy-eight
12 years of age pursuant to section 602.9203, eighty
13 years of age.
14 Sec.____. Section 602.9203, subsection 5, Code
15 2007, is amended to read as follows:
16 5. a. A senior judge may be reappointed to
17 additional two-year terms, at the discretion of the
18 supreme court, if the judicial officer meets the
19 requirements of subsection 2.
20 b. A senior judge may be reappointed to an
21 additional two-year term upon attaining seventy-eight
22 years of age, at the discretion of the supreme court.
23 if the judicial officer meets the requirements of
24 subsection 2.
25 Sec.____. Section 602.9204, subsection 1, Code
26 2007, is amended to read as follows:
27 1. A judge who retires on or after July 1, 1994,
28 and who is appointed a senior judge under section
29 602.9203 shall be paid a salary as determined by the
30 general assembly. A senior judge or retired senior
31 judge shall be paid an annuity under the judicial
32 retirement system in the manner provided in section

33 602.9109, but computed under this section in lieu of
 34 section 602.9107, as follows: The annuity paid to a
 35 senior judge or retired senior judge shall be an
 36 amount equal to the applicable percentage multiplier
 37 of the basic senior judge salary, multiplied by the
 38 judge's years of service prior to retirement as a
 39 judge of one or more of the courts included under this
 40 article, for which contributions were made to the
 41 system, except the annuity of the senior judge or
 42 retired senior judge shall not exceed an amount equal
 43 to the applicable specified percentage of the basic
 44 senior judge salary used in calculating the annuity.
 45 However, following the twelve-month period during
 46 which the senior judge or retired senior judge attains
 47 ~~seventy-eight years of senior judge retirement~~ age,
 48 the annuity paid to the person shall be an amount
 49 equal to the applicable percentage multiplier of the
 50 basic senior judge salary cap, multiplied by the

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1 judge's years of service prior to retirement as a
 2 judge of one or more of the courts included under this
 3 article, for which contributions were made to the
 4 system, except that the annuity shall not exceed an
 5 amount equal to the applicable specified percentage of
 6 the basic senior judge salary cap. A senior judge or
 7 retired senior judge shall not receive benefits
 8 calculated using a basic senior judge salary
 9 established after the twelve-month period in which the
 10 senior judge or retired senior judge attains
 11 ~~seventy-eight years of senior judge retirement~~ age.
 12 The state shall provide, regardless of age, to an
 13 active senior judge or a senior judge with six years
 14 of service as a senior judge and to the judge's
 15 spouse, and pay for medical insurance until the judge
 16 attains ~~the senior judge retirement age of~~
 17 ~~seventy-eight years.~~

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

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

28 e. "Escalator" means the difference between the
 29 current basic salary, as of the time each payment is
 30 made up to and including the twelve-month period

31 during which the senior judge or retired senior judge
32 attains ~~seventy eight years of senior judge retirement~~
33 age, of the office in which the senior judge last
34 served as a judge before retirement as a judge or
35 senior judge, and the basic annual salary which the
36 judge is receiving at the time the judge becomes
37 separated from full-time service as a judge of one or
38 more of the courts included in this article, as would
39 be used in computing an annuity pursuant to section
40 602.9107 without service as a senior judge.
41 Sec.____. Section 602.9207, subsection 1, Code
42 2007, is amended to read as follows:
43 1. A senior judge shall cease to be a senior judge
44 upon completion of the twelve-month period during
45 which the judge attains ~~seventy eight years of senior~~
46 ~~judge retirement~~ age. The clerk of the supreme court
47 shall make a notation of the retirement of a senior
48 judge in the roster of senior judges, at which time
49 the senior judge shall become a retired senior judge.
50 Sec.____. Section 602.9208, subsection 1, Code

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1 2007, is amended to read as follows:
2 1. A senior judge, at any time prior to the end of
3 the twelve-month period during which the judge attains
4 ~~seventy eight years of senior judge retirement~~ age,
5 may submit to the clerk of the supreme court a written
6 request that the judge's name be stricken from the
7 roster of senior judges. Upon the receipt of the
8 request the clerk shall strike the name of the person
9 from the roster of senior judges, at which time the
10 person shall cease to be a senior judge. A person who
11 relinquishes a senior judgeship as provided in this
12 subsection may be assigned to temporary judicial
13 duties as provided in section 602.1612."

Rants of Woodbury rose on a point of order that amendment [H-8701](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8701](#) not germane.

Reichert of Muscatine offered the following amendment [H-8689](#) filed by him and moved its adoption:

[H-8689](#)

1 Amend [House File 2700](#) as follows:

2 1. Page 49, by inserting after line 28 the
 3 following:
 4 "Sec.____. Section 476.44A, if enacted by 2008
 5 Iowa Acts, [Senate File 2386](#), section 6, is amended to
 6 read as follows:
 7 Sec. 6. NEW SECTION. 476.44A TRADING OF CREDITS.
 8 The board may establish or participate in a program
 9 to track, record, and verify the trading of credits
 10 ~~for or attributes relating to~~ electricity generated
 11 from alternative energy production facilities or
 12 renewable energy sources among electric generators,
 13 utilities, and other interested entities, within this
 14 state and with similar entities in other states."

Amendment [H-8689](#) was adopted.

Rants of Woodbury offered the following amendment [H-8679](#),
 previously deferred, filed by him and moved its adoption:

[H-8679](#)

1 Amend [House File 2700](#) as follows:
 2 1. Page 20, by inserting after line 12 the
 3 following:
 4 "Sec.____. Section 68A.401, Code Supplement 2007,
 5 is amended by adding the following new subsections:
 6 NEW SUBSECTION. 5. A political party, as defined
 7 in section 43.2, or a candidate's committee shall file
 8 a report with the board containing the information
 9 specified in and in accordance with section 68A.401A,
 10 subsection 2, paragraph "b", if that political party,
 11 candidate, or candidate's committee receives a
 12 contribution from a political committee that has
 13 received a contribution from a political organization
 14 that is required to file reports with the internal
 15 revenue service, pursuant to 26 U.S.C. § 527.
 16 NEW SUBSECTION. 6. A political party, as defined
 17 in section 43.2, shall file a report with the board
 18 containing the information specified in and in
 19 accordance with section 68A.401A, subsection 2,
 20 paragraph "b", if that political party receives a
 21 contribution from a political organization that is
 22 required to file reports with the internal revenue
 23 service, pursuant to 26 U.S.C. § 527."
 24 2. Page 20, by striking lines 19 and 20 and
 25 inserting the following:
 26 "a. Either creates or disseminates a communication
 27 of issue advocacy in this state or makes contributions
 28 to a political party, as defined in section 43.2, or
 29 to a political committee which makes a contribution to

30 a candidate or candidate's committee."

31 3. By renumbering as necessary.

Rule 75 was invoked.

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

On the question "Shall amendment [H-8679](#) be adopted?" ([H.F. 2700](#))

The ayes were, 45:

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

The nays were, 50:

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

Absent or not voting, 5:

Arnold	Horbach	Olson, R.	Roberts
Tomenga			

Amendment [H-8679](#) lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

Quirk of Chickasaw offered the following amendment [H-8696](#), previously deferred, filed by him and moved its adoption:

[H-8696](#)

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

Amendment [H-8696](#) was adopted.

Jacobs of Polk offered amendment [H-8713](#) filed by her and Gipp of Winneshiek from the floor as follows:

[H-8713](#)

1 Amend [House File 2700](#) as follows:

2 1. Page 21, by inserting after line 14 the
3 following:
4 "Sec.____. Section 68B.2A, Code 2007, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 4. The board shall adopt rules
7 pursuant to chapter 17A further delineating particular
8 situations where outside employment or activity of
9 officials and state employees of the executive branch
10 will be deemed to create an unacceptable conflict of
11 interest.

12 Sec.____. Section 68B.5A, subsections 2 and 5,
13 Code 2007, are amended to read as follows:
14 2. The head of a major subunit of a department or
15 independent state agency whose position involves
16 substantial exercise of administrative discretion or
17 the expenditure of public funds, a full-time employee
18 of an office of a statewide elected official whose
19 position involves substantial exercise of
20 administrative discretion or the expenditure of public
21 funds, or a legislative employee whose position
22 involves a substantial exercise of administrative
23 discretion or the expenditure of public funds, shall
24 not, during the time in which the person serves or is
25 employed by the state, act as a lobbyist before the
26 agency in which the person is employed or before state
27 agencies, officials, or employees with whom the person
28 has substantial or regular contact as part of the
29 person's duties, unless the person is designated, by
30 the agency in which the person serves or is employed,
31 to represent the official position of the agency.

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

48 Sec.____. Section 68B.22, subsection 4, Code
49 Supplement 2007, is amended by adding the following
50 new paragraph:

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1 NEW PARAGRAPH. hh. Food and beverages provided at
2 a meal that is part of a bona fide event or program at
3 which the recipient is being honored for public
4 service."

Amendment [H-8713](#) was adopted.

Struyk of Pottawattamie offered amendment [H-8714](#) filed by him and Huser of Polk from the floor:

[H-8714](#)

1 Amend [House File 2700](#) as follows:
2 1. Page 27, by inserting after line 2 the
3 following:
4 "Sec. ____ Section 441.21, subsection 1, paragraph
5 b, unnumbered paragraph 1, Code 2007, is amended to
6 read as follows:
7 The actual value of all property subject to
8 assessment and taxation shall be the fair and
9 reasonable market value of such property except as
10 otherwise provided in this section. "Market value" is
11 defined as the fair and reasonable exchange in the
12 year in which the property is listed and valued
13 between a willing buyer and a willing seller, and
14 based on the actual use of that property, neither
15 being under any compulsion to buy or sell and each
16 being familiar with all the facts relating to the
17 particular property. Sale prices of the property or
18 comparable property in normal transactions reflecting
19 market value, and the probable availability or
20 unavailability of persons interested in purchasing the
21 property, shall be taken into consideration in
22 arriving at its market value. In arriving at market
23 value, sale prices of property in abnormal
24 transactions not reflecting market value shall not be
25 taken into account, or shall be adjusted to eliminate
26 the effect of factors which distort market value,
27 including but not limited to sales to immediate family
28 of the seller, foreclosure or other forced sales,
29 contract sales, discounted purchase transactions or
30 purchase of adjoining land or other land to be
31 operated as a unit."

Rants of Woodbury rose on a point of order that amendment [H-8714](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8714](#) not germane.

Struyk of Pottawattamie asked for unanimous consent to suspend the rules to consider amendment [H-8714](#).

Objection was raised.

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

Winckler of Scott offered the following amendment [H-8716](#) filed by her from the floor and moved its adoption:

[H-8716](#)

1 Amend [House File 2700](#) as follows:
2 1. Page 42, line 9, by inserting after the word
3 "years." the following: "If the school district
4 determines that the expenditures associated with
5 providing competent private instruction pursuant to
6 chapter 299A is in excess of the revenue attributed to
7 the school district's weighted enrollment for such
8 instruction in accordance with this subparagraph, the
9 school district may submit a request to the school
10 budget review committee for modified allowable growth
11 in accordance with section 257.31, subsection 5,
12 paragraph "n". A home school assistance program shall
13 not provide moneys received pursuant to this
14 subparagraph, nor resources paid for with moneys
15 received pursuant to this subparagraph, to parents or
16 students utilizing the program.
17 Sec.____. Section 257.11, subsection 5, Code
18 Supplement 2007, is amended by adding the following
19 new paragraph:
20 NEW PARAGRAPH. n. Unusual need for additional
21 funds for the costs associated with providing
22 competent private instruction pursuant to chapter
23 299A.
24 Sec.____. Section 299.4, Code Supplement 2007, is
25 amended to read as follows:
26 299.4 REPORTS AS TO PRIVATE INSTRUCTION.
27 1. The parent, guardian, or legal custodian of a
28 child who is of compulsory attendance age, who places
29 the child under competent private instruction under
30 either section 299A.2 or 299A.3, not in an accredited
31 school or a home school assistance program operated by

32 a ~~public school district~~ or accredited nonpublic
 33 school, shall furnish a report in duplicate on forms
 34 provided by the public school district, to the
 35 district by the earliest starting date specified in
 36 section 279.10, subsection 1. The secretary shall
 37 retain and file one copy and forward the other copy to
 38 the district's area education agency. The report
 39 shall state the name and age of the child, the period
 40 of time during which the child has been or will be
 41 under competent private instruction for the year, an
 42 outline of the course of study, texts used, and the
 43 name and address of the instructor. The parent,
 44 guardian, or legal custodian of a child, who is
 45 placing the child under competent private instruction
 46 for the first time, shall also provide the district
 47 with evidence that the child has had the immunizations
 48 required under section 139A.8, and, if the child is
 49 elementary school age, a blood lead test in accordance
 50 with section 135.105D. The term "outline of course of

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1 study" shall include subjects covered, lesson plans,
 2 and time spent on the areas of study.

3 2. A home school assistance program operated by a
 4 school district or accredited nonpublic school shall
 5 furnish a report on forms provided by the department.
 6 The report shall, at a minimum, state the name and age
 7 of the child and the period of time during the school
 8 year in which the child has been or will be under
 9 competent private instruction by the home school
 10 assistance program.

11 Sec. ____ Section 299A.2, Code 2007, is amended to
 12 read as follows:

13 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED
 14 PRACTITIONER.

15 ~~If a licensed practitioner provides competent~~
 16 ~~instruction to a child of compulsory attendance age,~~
 17 ~~the practitioner shall possess a valid license or~~
 18 ~~certificate which has been issued by the state board~~
 19 ~~of educational examiners under chapter 272 and which~~
 20 ~~is appropriate to the ages and grade levels of the~~
 21 ~~children to be taught.~~ Competent private instruction
 22 may include, but is not limited to, a home school
 23 assistance program which provides instruction or
 24 instructional supervision offered through an
 25 accredited nonpublic school or public school district
 26 by a teacher licensed under chapter 272, who is
 27 employed by the accredited nonpublic school or public
 28 school district, who assists and supervises a parent,
 29 guardian, or legal custodian in providing instruction

30 to a child. If competent private instruction is
 31 provided through a public school district, the child
 32 shall be enrolled and included in the basic enrollment
 33 of the school district as provided in section 257.6.
 34 Sections 299A.3 through 299A.7 do not apply to
 35 competent private instruction provided by a licensed
 36 practitioner under this section. However, the
 37 reporting requirement contained in section 299A.3,
 38 subsection 1, shall apply to competent private
 39 instruction provided by licensed practitioners that is
 40 not part of a home school assistance program offered
 41 through an accredited nonpublic school or public
 42 school district."
 43 2. By renumbering as necessary.

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

On the question "Shall amendment [H-8716](#) be adopted?" ([H.F. 2700](#))

The ayes were, 49:

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

The nays were, 43:

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

Absent or not voting, 8:

Arnold	Horbach	Mertz	Olson, R.
Roberts	Smith	Tomenga	Upmeyer

Amendment [H-8716](#) was adopted.

MOTION TO RECONSIDER PREVAILED

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

The motion to reconsider prevailed.

Rants of Woodbury moved the adoption of amendment [H-8672](#).

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

On the question "Shall amendment [H-8672](#) be adopted?" ([H.F. 2700](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt

Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wienczek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Mr. Speaker Murphy	

The nays were, none.

Absent or not voting, 5:

Arnold	Horbach	Olson, R.	Roberts
Tomenga			

Amendment [H-8672](#) was adopted.

Gipp of Winneshiek asked and received unanimous consent to suspend the rules to reconsider amendment [H-8671](#), previously ruled not germane.

The motion prevailed.

Gipp of Winneshiek moved the adoption of amendment [H-8671](#).

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

On the question “Shall amendment [H-8671](#) be adopted?” ([H.F. 2700](#))

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton
Heddens	Hoffman	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg

Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 1:

Hunter

Absent or not voting, 8:

Arnold	Gaskill	Horbach	Olson, R.
Reichert	Roberts	Tomenga	Upmeyer

Amendment [H-8671](#) was adopted.

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

On the question "Shall the bill pass?" ([H.F. 2700](#))

The ayes were, 51:

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

The nays were, 44:

Alons	Anderson	Baudler	Boal
Chambers	Clute	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Huseman	Huser	Jacobs

Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencek	Windschitl	Worthan

Absent or not voting, 5:

Arnold	Horbach	Olson, R.	Roberts
Tomenga			

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2700](#) be immediately messaged to the Senate.

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

AFTERNOON SESSION

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

QUORUM CALL

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

SENATE AMENDMENT CONSIDERED

Wise of Lee called up for consideration [House File 2687](#), a bill for an act relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties, and including effective date and retroactive applicability date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8664](#):

[H-8664](#)

1 Amend [House File 2687](#), as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 3, lines 5 and 6, by striking the words
4 "or for a taxable year beginning on or after July 1,
5 2016".
- 6 2. Page 5, line 14, by striking the word "twenty"
7 and inserting the following: "ten".
- 8 3. Page 5, by striking lines 16 through 23 and
9 inserting the following:
10 "5. For the fiscal year beginning July 1, 2009,
11 the maximum amount of tax credits issued by the
12 department shall not exceed one million dollars. The
13 department shall not issue tax credits pursuant to
14 this section in subsequent fiscal years unless
15 authorized pursuant to this subsection."
- 16 4. Page 5, line 26, by striking the figure
17 "2008," and inserting the following: "2009, or after
18 June 30, 2010,".
- 19 5. Page 6, by striking line 34.
- 20 6. Page 7, by striking line 20.
- 21 7. Page 7, line 23, by striking the word "a."
- 22 8. Page 7, by striking line 28.
- 23 9. Page 8, line 17, by striking the word "and".
- 24 10. Page 8, by striking line 20 and inserting the
25 following: "established by another state agency by
26 rule."
- 27 11. Page 8, line 22, by striking the figure "1."
- 28 12. Page 8, by striking line 25.
- 29 13. Page 8, line 28, by striking the word "a."
- 30 14. Page 8, by striking line 31.
- 31 15. Page 8, line 34, by striking the word "a."
- 32 16. Page 9, by striking line 2.
- 33 17. Page 9, line 4, by striking the figure "1."
- 34 18. Page 9, by striking line 7.
- 35 19. Page 9, line 10, by striking the figure
36 "(1)".
- 37 20. Page 9, by striking line 13.
- 38 21. Page 9, by striking lines 14 through 17.
- 39 22. Title page, lines 3 and 4, by striking the
40 words ", and including effective date and retroactive
41 applicability date provisions".
- 42 23. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8664](#).

Wise of Lee moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2687](#))

The ayes were, 97:

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

The nays were, 2:

Hunter Mascher

Absent or not voting, 1:

Roberts

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

HOUSE RECEDES

Winckler of Scott called up for consideration [Senate File 2216](#), a bill for an act concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited

nonpublic schools and a state-designated career information and decision-making system, amended by the House and moved that the House recede from its amendment.

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

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

On the question "Shall the House recede from its amendment?"
([S.F. 2216](#))

The ayes were, 50:

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

The nays were, 49:

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

Absent or not voting, 1:

Roberts

The motion prevailed and the House recesses.

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

On the question "Shall the bill pass?" ([S.F. 2216](#))

The ayes were, 51:

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

The nays were, 47:

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

Absent or not voting, 2:

Roberts

Swaim

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2687](#) and [Senate File 2216](#).

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 2008, passed the following bill in which the concurrence of the Senate was asked:

[House File 2647](#). A bill for an act relating to and making appropriations to the judicial branch.

MICHAEL E. MARSHALL, Secretary

Appropriations Calendar

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

Jochum of Dubuque offered amendment [H-8578](#) filed by the committee on state government as follows:

[H-8578](#)

- 1 Amend [Senate File 2424](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 31, by inserting after line 20 the
- 4 following:
- 5 "Sec.____. Section 97B.80C, subsection 3, Code
- 6 2007, is amended by adding the following new

7 paragraph:

8 NEW PARAGRAPH. cc. For a member making
 9 contributions for a purchase of permissive service
 10 credit for qualified service as described in
 11 subsection 1, paragraph "c", subparagraph (1),
 12 subparagraph subdivision (h), in which, prior to July
 13 1, 1998, the member received a refund of the member's
 14 accumulated contributions and subsequently returned to
 15 covered employment as a full-time employee for whom
 16 coverage under this chapter was mandatory the member
 17 shall receive a credit against the actuarial cost of
 18 the service purchase equal to the amount of the
 19 member's employer's accumulated contributions which
 20 were not paid to the member as a refund pursuant to
 21 section 97B.53 plus interest as calculated pursuant to
 22 section 97B.70."

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

25 "Sec. ___ Section 411.15, Code 2007, is amended to
 26 read as follows:

27 411.15 HOSPITALIZATION AND MEDICAL ATTENTION.

28 Cities shall ~~provide be responsible for any~~
 29 hospital, nursing, and medical attention for the
 30 members of the police and fire departments of the
 31 cities, when injured while in the performance of their
 32 duties as members of such department, and shall
 33 continue to ~~provide be responsible for any~~ hospital,
 34 nursing, and medical attention for injuries or
 35 diseases incurred while in the performance of their
 36 duties for members receiving a retirement allowance
 37 under section 411.6, subsection 6. Cities may ~~provide~~
 38 fund the cost of the hospital, nursing, and medical
 39 attention required by this section through the
 40 purchase of insurance, by self-insuring the
 41 obligation, or through payment of moneys into a local
 42 government risk pool established for the purpose of
 43 covering the costs associated with the requirements of
 44 this section. However, the cost of the hospital,
 45 nursing, and medical attention required by this
 46 section shall not be funded through an employee-paid
 47 health insurance policy. The cost of ~~providing~~ the
 48 hospital, nursing, and medical attention required by
 49 this section shall be paid from moneys held in a trust
 50 and agency fund established pursuant to section 384.6,

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1 or out of the appropriation for the department to
 2 which the injured person belongs or belonged; provided
 3 that any amounts received by the injured person ~~under~~
 4 ~~the workers' compensation law of the state, or from~~

- 5 any other source for such specific purposes, shall be
6 deducted from the amount paid by the city under the
7 provisions of this section."
8 3. By renumbering as necessary.

Jochum of Dubuque offered the following amendment [H-8628](#), to the committee amendment [H-8578](#), filed by her and moved its adoption:

[H-8628](#)

- 1 Amend the amendment, [H-8578](#), to [Senate File 2424](#),
2 as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 22 the
4 following:
5 "____. Page 33, by inserting after line 13 the
6 following:
7 "4. The section of this Act enacting section
8 97B.80C, subsection 3, paragraph cc, takes effect
9 January 1, 2009."
10 2. By renumbering as necessary.

Amendment [H-8628](#) was adopted.

Jochum of Dubuque offered the following amendment [H-8583](#), to the committee amendment [H-8578](#), filed by her and moved its adoption:

[H-8583](#)

- 1 Amend the amendment, [H-8578](#), to [Senate File 2424](#),
2 as passed by the Senate, as follows:
3 1. Page 1, by striking line 28 and inserting the
4 following: "Cities shall provide".
5 2. Page 1, by striking line 33 and inserting the
6 following: "continue to provide hospital,".

Amendment [H-8583](#) was adopted.

On motion by Jochum of Dubuque, the committee amendment [H-8578](#), as amended, was adopted.

Boal of Polk offered the following amendment [H-8626](#) filed by Boal et al., and moved its adoption:

[H-8626](#)

1 Amend [Senate File 2424](#), as passed by the Senate, as
2 follows:

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

5 "DIVISION I

6 PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,
7 ACCIDENT, AND DISABILITY SYSTEM

8 Section 1. Section 97A.1, subsection 14, Code
9 2007, is amended by striking the subsection.

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

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

18 Sec. 3. Section 97A.5, subsections 3 and 4, Code
19 2007, are amended to read as follows:

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

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

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

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

47 Sec. 5. Section 97A.5, subsections 8, 9, 11, and
48 12, Code 2007, are amended to read as follows:

49 8. MEDICAL BOARD. The board of trustees shall
50 designate a single medical provider network as the

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1 medical board ~~to be composed of three physicians who~~
2 for the system. The medical board shall arrange for
3 and pass upon the all medical examinations required
4 under the provisions of this chapter and shall report
5 in writing to the board of trustees, its conclusions
6 and recommendations upon all matters duly referred to
7 it. For examinations required because of disability,
8 a physician from the medical board specializing in
9 occupational medicine, and a second physician
10 specializing in an appropriate field of medicine as
11 determined by the occupational medicine physician,
12 shall pass upon the medical examinations required for
13 disability retirements and shall report to the system
14 in writing their conclusions and recommendations upon
15 all matters referred to the medical board. Each
16 report of a medical examination under section 97A.6,
17 subsections 3 and 5, shall include the medical board's
18 findings in accordance with section 97A.6 as to the
19 extent of the member's physical impairment.

20 9. DUTIES OF ACTUARY. The actuary hired by the
21 board of trustees shall be the technical advisor of
22 the board of trustees on matters regarding the
23 operation of the ~~funds retirement fund~~ created by the
24 ~~provisions of~~ this chapter and shall perform such
25 other duties as are required in connection therewith.

26 11. ACTUARIAL INVESTIGATION. At least once in
27 each two-year period, the actuary hired by the board
28 of trustees shall make an actuarial investigation in
29 the mortality, service, and compensation experience of
30 the members and beneficiaries of the system, and the
31 interest and other earnings on the moneys and other
32 assets of the system, and shall make a valuation of
33 the assets and liabilities of the ~~funds retirement~~
34 ~~fund~~ of the system, and taking into account the
35 results of the investigation and valuation, the board
36 of trustees shall:

37 ~~a. Adopt~~ adopt for the system, upon recommendation
38 of the system's actuary, such actuarial methods and
39 assumptions, interest rate, and mortality and other
40 tables as shall be deemed necessary;

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

44 12. ANNUAL ACTUARIAL VALUATION.

45 On the basis of the actuarial methods and
46 assumptions, rate of interest, and tables adopted by
47 the board of trustees, the actuary hired by the board
48 of trustees shall make an annual actuarial valuation

49 of the assets and liabilities of the ~~funds of the~~
50 ~~system~~ retirement fund created by this chapter. As a

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1 result of the annual actuarial valuation, the board of
2 trustees shall certify the rates of contribution
3 payable by the state of Iowa in accordance with
4 section 97A.8.

5 Sec. 6. Section 97A.5, subsection 13, paragraphs
6 b, c, and d, Code 2007, are amended to read as
7 follows:

8 b. The ~~funds~~ retirement fund established in
9 section 97A.8 shall be held in trust for the benefit
10 of the members of the system and the members'
11 beneficiaries. No part of the corpus or income of the
12 ~~funds~~ retirement fund shall be used for, or diverted
13 to, purposes other than for the exclusive benefit of
14 the members or the members' beneficiaries or for
15 expenses incurred in the operation of the ~~funds~~
16 retirement fund. A person shall not have any interest
17 in, or right to, any part of the corpus or income of
18 the ~~funds~~ retirement fund except as otherwise
19 expressly provided.

20 c. Notwithstanding any provision of this chapter
21 to the contrary, in the event of a complete
22 discontinuance of contributions, for reasons other
23 than achieving fully funded status upon an actuarially
24 determined basis, or upon termination of the ~~funds~~
25 retirement fund established in section 97A.8, a member
26 shall be vested, to the extent then funded, in the
27 benefits which the member has accrued at the date of
28 the discontinuance or termination.

29 d. Benefits payable from the ~~funds~~ retirement fund
30 established in section 97A.8 to members and members'
31 beneficiaries shall not be increased due to
32 forfeitures from other members. Forfeitures shall be
33 used as soon as possible to reduce future
34 contributions by the state to the ~~pension accumulation~~
35 retirement fund, except that the rate shall not be
36 less than the minimum rate established in section
37 97A.8.

38 Sec. 7. Section 97A.5, subsection 14, Code 2007,
39 is amended to read as follows:

40 14. INVESTMENT CONTRACTS. The board of trustees
41 may execute contracts and agreements with investment
42 advisors, consultants, and investment management and
43 benefit consultant firms in the administration of the
44 ~~funds~~ retirement fund established in section 97A.8.

45 Sec. 8. Section 97A.6, subsection 7, Code 2007, is
46 amended by adding the following new paragraph:

47 NEW PARAGRAPH. d. Should a disability beneficiary

48 under age fifty-five be employed in a public safety
 49 occupation, the disability beneficiary's retirement
 50 allowance shall cease. Notwithstanding any provision

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1 of this chapter to the contrary, if a disability
 2 beneficiary is employed in a public safety occupation
 3 that would otherwise constitute membership service,
 4 the disability beneficiary shall not become a member
 5 of the system. For purposes of this paragraph,
 6 "public safety occupation" means a peace officer, as
 7 defined in section 97A.1; a protection occupation, as
 8 defined in section 97B.49B; a sheriff or deputy
 9 sheriff as defined in section 97B.49C; and a police
 10 officer or fire fighter as defined in section 411.1,
 11 who was not restored to active service as provided by
 12 this subsection.

13 Sec. 9. Section 97A.6, subsection 11, Code 2007,
 14 is amended to read as follows:

15 11. PENSIONS OFFSET BY COMPENSATION BENEFITS. Any
 16 amounts which may be paid or payable by the state
 17 under the provisions of any workers' compensation or
 18 similar law to a member or to the dependents of a
 19 member on account of any disability or death, shall be
 20 offset against and payable in lieu of any benefits
 21 payable out of ~~funds~~ the retirement fund provided by
 22 the state under the provisions of this chapter on
 23 account of the same disability or death. In case the
 24 present value of the total commuted benefits under
 25 said workers' compensation or similar law is less than
 26 the ~~pension reserve on~~ present value of the benefits
 27 otherwise payable from ~~funds~~ the retirement fund
 28 provided by the state under this chapter, then the
 29 present value of the commuted payments shall be
 30 deducted from the pension ~~reserve~~ payable and such
 31 benefits as may be provided by the ~~pension reserve~~
 32 system so reduced shall be payable under the
 33 provisions of this chapter.

34 Sec. 10. Section 97A.7, subsections 1, 2, and 3,
 35 Code Supplement 2007, are amended to read as follows:

36 1. The board of trustees shall be the trustees of
 37 the ~~several funds~~ retirement fund created by this
 38 chapter as provided in section 97A.8 and shall have
 39 full power to invest and reinvest ~~such~~ funds subject
 40 to the terms, conditions, limitations, and
 41 restrictions imposed by subsection 2 of this section
 42 and chapter 12F, and subject to like terms,
 43 conditions, limitations, and restrictions said
 44 trustees shall have full power to hold, purchase,
 45 sell, assign, transfer, or dispose of any of the

46 securities and investments ~~in which any of the funds~~
 47 ~~created herein shall~~ retirement fund which have been
 48 invested, as well as of the proceeds of said
 49 investments and any moneys belonging to ~~said funds the~~
 50 retirement fund. The board of trustees may authorize

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

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

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

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

23 97A.8 METHOD OF FINANCING.

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

34 1. ~~PENSION ACCUMULATION FUND.~~ The pension
 35 accumulation fund shall be the fund in which shall be
 36 accumulated all All moneys for the payment of all
 37 pensions and other benefits payable from contributions
 38 made by the state and from which shall be paid the
 39 lump-sum death benefits for all members payable from
 40 the said contributions shall be accumulated in the
 41 retirement fund. The refunds and benefits for all
 42 members and beneficiaries shall be payable from the
 43 retirement fund. Contributions to and payments from
 44 the ~~pension accumulation~~ retirement fund shall be as

45 follows:

46 a. On account of each member there shall be paid
47 annually into the ~~pension accumulation~~ retirement fund
48 by the state of Iowa an amount equal to a certain
49 percentage of the earnable compensation of the member
50 to be known as the "normal contribution". The rate

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1 percent of such contribution shall be fixed on the
2 basis of the liabilities of the retirement system as
3 shown by annual actuarial valuations.
4 b. (1) On the basis of the actuarial methods and
5 assumptions, rate of interest, and of the mortality,
6 interest, and other tables adopted by the board of
7 trustees, the board of trustees, upon the advice of
8 the actuary hired by the board for that purpose, shall
9 make each valuation required by this chapter pursuant
10 to the requirements of section 97A.5 and shall
11 immediately after making such valuation, determine the
12 "normal contribution rate". The normal contribution
13 rate shall be the rate percent of the earnable
14 compensation of all members obtained by deducting from
15 the total liabilities of the fund the sum of the
16 amount of the funds in hand to the credit of the fund
17 and dividing the remainder by one percent of the
18 present value of the prospective future compensation
19 of all members as computed on the basis of the rate of
20 interest and of mortality and service tables adopted
21 by the board of trustees, all equal to the rate
22 required by the system to discharge its liabilities,
23 stated as a percentage of the earnable compensation of
24 all members, and reduced by the employee contribution
25 made pursuant to rate provided in this subsection.
26 However, the normal rate of contribution shall not be
27 less than seventeen percent. ~~The normal rate of~~
28 ~~contribution shall be determined by the board of~~
29 ~~trustees after each valuation. To assist in~~
30 ~~determining the normal rate of contribution, the board~~
31 ~~of trustees may adopt a smoothing method for valuing~~
32 ~~the assets of the system. The smoothing method is~~
33 ~~designed to reduce changes in the normal contribution~~
34 ~~rate which could result from fluctuations in the~~
35 ~~market value of the assets of the system.~~
36 (2) Notwithstanding the provisions of subparagraph
37 (1) to the contrary, the normal contribution rate
38 shall be as follows:
39 (a) For the fiscal year beginning July 1, 2008,
40 nineteen percent.
41 (b) For the fiscal year beginning July 1, 2009,

42 twenty-one percent.
43 (c) For the fiscal year beginning July 1, 2010,
44 twenty-three percent.
45 (d) For the fiscal year beginning July 1, 2011,
46 twenty-five percent.
47 (e) For each fiscal year beginning on or after
48 July 1, 2012, the lesser of twenty-seven percent or
49 the normal contribution rate as calculated pursuant to
50 subparagraph (1).

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

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

14 ~~Upon the retirement or death of a member an~~
15 ~~amount equal to the pension reserve on any pension~~
16 ~~payable to the member or on account of the member's~~
17 ~~death shall be transferred from the pension~~
18 ~~accumulation fund to the pension reserve fund.~~

19 ~~f. e.~~ Except as otherwise provided in paragraph
20 ~~"h" "g".~~

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

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

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

36 (4) An amount equal to six and one-tenth percent
37 of each member's compensation from the earnable
38 compensation of the member shall be paid to the

39 ~~pension accumulation retirement~~ fund for the fiscal
40 year beginning July 1, 1992.

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

46 (6) An amount equal to eight and one-tenth percent
47 of each member's compensation from the earnable
48 compensation of the member shall be paid to the
49 ~~pension accumulation retirement~~ fund for the fiscal
50 period beginning July 1, 1994, through December 31,

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1 1994, and an amount equal to eight and thirty-five
2 hundredths percent of each member's compensation from
3 the earnable compensation of the member shall be paid
4 to the ~~pension accumulation retirement~~ fund for the
5 fiscal period beginning January 1, 1995, through June
6 30, 1995.

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

12 (8) Notwithstanding any other provision of this
13 chapter, beginning July 1, 1996, and each fiscal year
14 thereafter, an amount equal to the member's
15 contribution rate times each member's compensation
16 shall be paid to the ~~pension accumulation retirement~~
17 fund from the earnable compensation of the member.
18 For the purposes of this subparagraph, the member's
19 contribution rate shall be nine and thirty-five
20 hundredths percent. However, the system shall
21 increase the member's contribution rate as necessary
22 to cover any increase in cost to the system resulting
23 from statutory changes which are enacted by any
24 session of the general assembly meeting after January
25 1, 1995, if the increase cannot be absorbed within the
26 contribution rates otherwise established pursuant to
27 this paragraph, but subject to a maximum employee
28 contribution rate of eleven and three-tenths percent.
29 After the employee contribution reaches eleven and
30 three-tenths percent, sixty percent of the additional
31 cost of such statutory changes shall be paid by the
32 employer under paragraph "c" and forty percent of the
33 additional cost shall be paid by employees under this
34 ~~paragraph subparagraph (8).~~

35 ~~g. f.~~ The board of trustees shall certify to the

36 director of the department of administrative services
37 and the director of the department of administrative
38 services shall cause to be deducted from the earnable
39 compensation of each member the contribution required
40 under this subsection and shall forward the
41 contributions to the board of trustees for recording
42 and for deposit in the ~~pension accumulation~~ retirement
43 fund.

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

49 ~~h. g.~~ Notwithstanding the provisions of paragraph
50 ~~"f"~~ "e", the following transition percentages apply to

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1 members' contributions as specified:

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

12 (2) For members who on July 1, 1990, have attained
13 the age of forty-eight years but have not attained the
14 age of forty-nine years, an amount equal to eight and
15 one-tenth percent shall be paid for the fiscal year
16 beginning July 1, 1990, and an amount equal to nine
17 and one-tenth percent shall be paid for the fiscal
18 period beginning July 1, 1991, through October 15,
19 1992, and commencing October 16, 1992, and for each
20 subsequent fiscal period, the rates specified in
21 paragraph ~~"f"~~ "e", subparagraphs (4) through (8),
22 shall apply.

23 (3) For members who on July 1, 1990, have attained
24 the age of forty-seven years but have not attained the
25 age of forty-eight years, an amount equal to seven and
26 one-tenth percent shall be paid for the fiscal year
27 beginning July 1, 1990, an amount equal to eight and
28 one-tenth percent shall be paid for the fiscal year
29 beginning July 1, 1991, and an amount equal to nine
30 and one-tenth percent shall be paid for the fiscal
31 period beginning July 1, 1992, through October 15,
32 1992, and commencing October 16, 1992, and for each

33 subsequent fiscal period, the rates specified in
 34 paragraph "~~f~~" "e", subparagraphs (4) through (8),
 35 shall apply.

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

48 (5) For members who on July 1, 1990, have attained
 49 the age of forty-five years but have not attained the
 50 age of forty-six years, an amount equal to five and

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1 one-tenth percent shall be paid for the fiscal year
 2 beginning July 1, 1990, an amount equal to six and
 3 one-tenth percent shall be paid for the fiscal year
 4 beginning July 1, 1991, and an amount equal to seven
 5 and one-tenth percent shall be paid for the fiscal
 6 period beginning July 1, 1992, through October 15,
 7 1992. Commencing October 16, 1992, and for each
 8 subsequent fiscal period, the rates specified in
 9 paragraph "~~f~~" "e", subparagraphs (4) through (8),
 10 shall apply.

11 ~~h~~ h (1) Notwithstanding paragraph "~~g~~" "f" or
 12 other provisions of this chapter, beginning January 1,
 13 1995, for federal income tax purposes, and beginning
 14 January 1, 1999, for state income tax purposes, member
 15 contributions required under paragraph "~~f~~" "e" or "~~h~~"
 16 "g" which are picked up by the department shall be
 17 considered employer contributions for federal and
 18 state income tax purposes, and the department shall
 19 pick up the member contributions to be made under
 20 paragraph "~~f~~" "e" or "~~h~~" "g" by its employees. The
 21 department shall pick up these contributions by
 22 reducing the salary of each of its employees covered
 23 by this chapter by the amount which each employee is
 24 required to contribute under paragraph "~~f~~" "e" or "~~h~~"
 25 "g" and shall certify the amount picked up in lieu of
 26 the member contributions to the department of
 27 administrative services. The department of
 28 administrative services shall forward the amount of
 29 the contributions picked up to the board of trustees

30 for recording and deposit in the ~~pension accumulation~~
31 retirement fund.

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

39 ~~2. PENSION RESERVE FUND. The pension reserve fund~~
40 ~~shall be the fund in which shall be held the reserves~~
41 ~~on all pensions granted to members or to their~~
42 ~~beneficiaries and from which such pensions and~~
43 ~~benefits in lieu thereof shall be paid. Should a~~
44 ~~beneficiary retired on account of disability be~~
45 ~~restored to active service and again become a member~~
46 ~~of the system, the member's pension reserve shall be~~
47 ~~transferred from the pension reserve fund to the~~
48 ~~pension accumulation fund. Should the pension of a~~
49 ~~disability beneficiary be reduced as a result of an~~
50 ~~increase in the beneficiary's amount earned, the~~

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1 ~~amount of the annual reduction in the beneficiary's~~
2 ~~pension shall be paid annually into the pension~~
3 ~~accumulation fund during the period of such reduction.~~

4 ~~3. 2. a. EXPENSE FUND. The expense fund shall~~
5 ~~be the fund to which shall be credited all money~~
6 ~~provided by the state of Iowa to pay the~~
7 ~~administration expenses of the system and from which~~
8 ~~shall be paid all All the expenses necessary in~~
9 ~~connection with the administration and operation of~~
10 ~~the system shall be paid from the retirement fund.~~
11 ~~Biennially the board of trustees shall estimate the~~
12 ~~amount of money necessary to be paid into the expense~~
13 ~~fund during the ensuing biennium to provide for the~~
14 ~~expense of operation of the system. Investment~~
15 ~~management expenses shall be charged to the investment~~
16 ~~income of the system and there is appropriated from~~
17 ~~the system an amount required for the investment~~
18 ~~management expenses. The board of trustees shall~~
19 ~~report the investment management expenses for the~~
20 ~~fiscal year as a percent of the market value of the~~
21 ~~system.~~

22 ~~b.~~ For purposes of this subsection, investment
23 management expenses are limited to the following:
24 ~~a. (1)~~ Fees for investment advisors, consultants,
25 and investment management and benefit consultant firms
26 hired by the board of trustees in administering this
27 chapter.

28 ~~b. (2)~~ Fees and costs for safekeeping fund

29 assets.

30 ~~€~~ (3) Costs for performance and compliance
31 monitoring, and accounting for fund investments.

32 ~~€~~ (4) Any other costs necessary to prudently
33 invest or protect the assets of the fund.

34 Sec. 12. Section 97A.11, Code 2007, is amended to
35 read as follows:

36 97A.11 CONTRIBUTIONS BY THE STATE.

37 On or before the first day of November in each
38 year, the board of trustees shall certify to the
39 director of the department of administrative services
40 the amounts which will become due and payable during
41 the year next following to the ~~pension accumulation~~
42 retirement fund and the expense fund. The amounts so
43 certified shall be paid by the director of the
44 department of administrative services out of the funds
45 appropriated for the Iowa department of public safety,
46 to the treasurer of state, the same to be credited to
47 the system for the ensuing year.

48 Sec. 13. Section 97A.12, Code 2007, is amended to
49 read as follows:

50 97A.12 EXEMPTION FROM EXECUTION AND OTHER PROCESS

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1 OR ASSIGNMENT – EXCEPTIONS.

2 The right of any person to a pension, annuity, or
3 retirement allowance, to the return of contributions,
4 the pension, annuity, or retirement allowance itself,
5 any optional benefit or death benefit, any other right
6 accrued or accruing to any person under this chapter,
7 and the moneys in the ~~various funds~~ retirement fund
8 created under this chapter, are not subject to
9 execution, garnishment, attachment, or any other
10 process whatsoever, and are unassignable except for
11 the purposes of enforcing child, spousal, or medical
12 support obligations or marital property orders, or as
13 otherwise specifically provided in this chapter. For
14 the purposes of enforcing child, spousal, or medical
15 support obligations, the garnishment or attachment of
16 or the execution against compensation due a person
17 under this chapter shall not exceed the amount
18 specified in 15 U.S.C. } 1673(b).

19 Sec. 14. Section 97A.14, Code 2007, is amended to
20 read as follows:

21 97A.14 HOSPITALIZATION AND MEDICAL ATTENTION.

22 The board of trustees shall provide hospital,
23 nursing, and medical attention for the members in
24 service when injured while in the performance of their
25 duties and shall continue to provide hospital,

26 nursing, and medical attention for injuries or
27 diseases incurred while in the performance of their
28 duties for the members receiving a retirement
29 allowance under section 97A.6, subsection 6. The cost
30 of hospital, nursing, and medical attention shall be
31 paid out of the ~~expense~~ retirement fund. However, any
32 amounts received by the injured person under the
33 workers' compensation law of the state, or from any
34 other source for such specific purposes, shall be
35 deducted from the amount paid by the board of trustees
36 provisions of this section.

37 Sec. 15. Section 97A.14A, subsection 5, Code 2007,
38 is amended to read as follows:

39 5. All funds recovered by the system under this
40 section shall be deposited in the ~~pension accumulation~~
41 retirement fund created in section 97A.8.

42 Sec. 16. Section 97A.15, subsection 2, paragraph
43 a, Code 2007, is amended to read as follows:

44 a. "Accumulated contributions" means the sum of
45 all amounts deducted from the compensation of a member
46 and credited to the member's individual account in the
47 annuity savings fund together with regular interest
48 thereon as provided in this subsection. Accumulated
49 contributions do not include any amount deducted from
50 the compensation of a member and credited to the

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1 ~~pension accumulation~~ retirement fund.

2 Sec. 17. Section 97A.15, subsection 8, Code 2007,
3 is amended to read as follows:

4 8. The actuary shall annually determine the amount
5 required in the annuity reserve fund. If the amount
6 required is less than the amount in the annuity
7 reserve fund, the board of trustees shall transfer the
8 excess funds from the annuity reserve fund to the
9 ~~pension accumulation~~ retirement fund. If the amount
10 required is more than the amount in the annuity
11 reserve fund, the board of trustees shall transfer the
12 amount prescribed by the actuary to the annuity
13 reserve fund from the ~~pension accumulation~~ retirement
14 fund.

15 DIVISION II

16 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

17 Sec. 18. Section 97B.1A, subsection 20, paragraph
18 a, Code 2007, is amended to read as follows:

19 a. Service in the armed forces of the United
20 States, if the employee was employed by a covered
21 employer immediately prior to entry into the armed
22 forces, and if ~~the~~ any of the following requirements
23 are met:

24 (1) The employee was released from service and

25 returns to covered employment with an employer within
 26 twelve months of the date on which the employee has
 27 the right of release from service or within a longer
 28 period as required by the applicable laws of the
 29 United States.

30 (2) The employee, while serving on active duty in
 31 the armed forces of the United States in an area
 32 designated by the president of the United States or
 33 the United States Congress as a combat zone or as a
 34 qualified hazardous duty area, or deployed outside the
 35 United States away from the individual's permanent
 36 duty station while participating in an operation
 37 designated by the United States secretary of defense
 38 as a contingency operation as defined in 10 U.S.C. §
 39 101(a)(13), or which became such a contingency
 40 operation by the operation of law, dies, or suffers an
 41 injury or acquires a disease resulting in death, so
 42 long as the death from the injury or disease occurs
 43 within a two-year period from the date the employee
 44 suffered the active duty injury or disease and the
 45 active duty injury or disease prevented the employee
 46 from returning to covered employment as provided in
 47 subparagraph (1).

48 Sec. 19. Section 97B.1A, subsection 26, paragraph
 49 a, subparagraph (2), subparagraph subdivision (i),
 50 Code 2007, is amended to read as follows:

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1 (i) Payments for allowances ~~made to an employee~~
 2 ~~that are not included in an employee's federal taxable~~
 3 ~~income~~ except for those allowances included as wages
 4 for a member of the general assembly.

5 Sec. 20. Section 97B.1A, subsection 26, paragraph
 6 a, subparagraph (2), Code 2007, is amended by adding
 7 the following new subparagraph subdivision:

8 NEW SUBPARAGRAPH SUBDIVISION. (n) Bonuses of any
 9 type, whether paid in a lump sum or in installments.

10 Sec. 21. Section 97B.4, subsection 2, Code
 11 Supplement 2007, is amended by adding the following
 12 new paragraph:

13 NEW PARAGRAPH. d. In administering this chapter,
 14 the system shall not be a participating agency for
 15 purposes of chapter 8A, subchapter II.

16 Sec. 22. Section 97B.9, subsections 1 and 2, Code
 17 2007, are amended to read as follows:

18 1. An employer shall be charged the greater of ~~ten~~
 19 twenty dollars per occurrence or interest at the
 20 combined interest and dividend rate required under
 21 section 97B.70 for the applicable calendar year for
 22 contributions unpaid on the date on which they are due
 23 and payable as prescribed by the system. The system

24 may adopt rules prescribing circumstances for which
25 the interest or charge shall not accrue with respect
26 to contributions required. Interest or charges
27 collected pursuant to this section shall be paid into
28 the Iowa public employees' retirement fund.

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

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

42 3. ~~Except as provided in this subsection, interest~~
43 Interest shall not be paid on credits issued pursuant
44 to this section. However, ~~if a credit for~~
45 ~~contributions paid prior to an individual's decision~~
46 ~~to elect out of coverage pursuant to section 97B.42A~~
47 ~~is issued, accumulated interest and interest on~~
48 ~~dividends as provided in section 97B.70 shall apply.~~
49 ~~In addition,~~ the system may, at any time, apply
50 accumulated interest and interest dividends as

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1 provided in section 97B.70 on any credits issued under
2 this section if the system finds that the crediting of
3 interest is just and equitable.

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

6 97B.14 CONTRIBUTIONS FORWARDED.

7 Contributions deducted from the wages of the member
8 under section 97B.11 prior to January 1, 1995, member
9 contributions picked up by the employer under section
10 97B.11A beginning January 1, 1995, and the employer's
11 contribution shall be forwarded to the system for
12 recording and deposited with the treasurer of the
13 state to the credit of the Iowa public employees'
14 retirement fund. Contributions shall be remitted
15 monthly, ~~if total contributions by both employee and~~
16 ~~employer amount to one hundred dollars or more each~~
17 ~~month,~~ and shall be otherwise paid in such manner, at
18 such times, and under such conditions, either by
19 copies of payrolls or other methods necessary or
20 helpful in securing proper identification of the
21 member, as may be prescribed by the system.

22 Sec. 25. Section 97B.33, Code 2007, is amended to

23 read as follows:

24 97B.33 ~~CERTIFICATION TO DIRECTOR~~ PAYMENT TO
25 INDIVIDUALS.

26 Upon final decision of the system, or upon final
27 judgment of any court of competent jurisdiction, that
28 any person is entitled to any payment or payments
29 under this chapter, the system shall ~~certify to the~~
30 ~~director of the department of administrative services~~
31 ~~the name and address of the person so entitled to~~
32 ~~receive such payment or payments, the amount of such~~
33 ~~payment or payments, and the time at which such~~
34 ~~payment or payments should be made, and the system,~~
35 ~~through the director of the department of~~
36 ~~administrative services, shall make payment in~~
37 ~~accordance with the certification of the system to the~~
38 ~~person,~~ provided that where judicial review of the
39 ~~system~~ system's decision is or may be sought in
40 accordance with the terms of the Iowa administrative
41 procedure Act, chapter 17A, ~~certification of payment~~
42 may be withheld pending such review. ~~The director of~~
43 ~~the department of administrative services shall not be~~
44 ~~held personally liable for any payment or payments~~
45 ~~made in accordance with a certification by the system.~~

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

48 1. If the total sum to be paid to the minor is
49 less than ~~ten~~ the greater of twenty-five thousand
50 dollars or the maximum amount permitted under section

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1 565B.7, subsection 3, the funds may be paid to an
2 adult as custodian for the minor. The custodian must
3 complete the proper forms as determined by the system.

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

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

13 97B.38 FEES FOR SERVICES.

14 The system may, by rule, prescribe reasonable fees
15 which may be charged for ~~production costs incurred,~~
16 including staff time and materials, ~~associated with~~
17 ~~performing to perform~~ its duties under this chapter
18 for active, inactive, and retired members,
19 beneficiaries, and the general public, where such
20 ~~production costs are more than de minimis, as~~
21 ~~determined by the system.~~

22 Sec. 28. Section 97B.49B, subsection 1, paragraph
23 e, Code 2007, is amended by adding the following new
24 subparagraphs:

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

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

37 NEW SUBPARAGRAPH. (11) An emergency medical care
38 provider who provides emergency medical services, as
39 defined in section 147A.1, and who is not a member of
40 the retirement systems established in chapter 410 or
41 411.

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

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

50 (b) The percentage representing the percentage

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1 amount the actuary has certified, ~~in the annual~~
2 ~~actuarial valuation of the retirement system as of~~
3 ~~June 30 of the year in which the dividend is to be~~
4 ~~paid,~~ that the fund can absorb without requiring an
5 increase in the employer and employee contributions to
6 the fund. The actuary's certification of such
7 percentage amount shall be based on a comparison of
8 the actuarially required contribution rate for the
9 fiscal year of the dividend adjustment to the
10 statutory contribution rate for that same fiscal year.
11 If the actuarially required contribution rate exceeds
12 the statutory contribution rate for that same fiscal
13 year, the percentage amount shall be zero.

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

16 3. The system shall annually determine the amount
17 to be credited to the supplemental accounts of active
18 members. The total amount credited to the
19 supplemental accounts of all active members shall not
20 exceed the amount that the system determines, in

21 consultation with the system's actuary, ~~can be~~
 22 ~~absorbed without significantly impacting the funded~~
 23 ~~status of~~ leaves the system fully funded following the
 24 crediting of the total amount to the supplemental
 25 accounts. The amount to be credited shall not be
 26 greater than the amount calculated by multiplying the
 27 member's covered wages for the applicable wage
 28 reporting period by the supplemental rate. For
 29 purposes of this subsection, the supplemental rate is
 30 the difference, if positive, between the combined
 31 employee and employer statutory contribution rates in
 32 effect under section 97B.11 and the normal cost rate
 33 of the retirement system as determined by the system's
 34 actuary in the most recent annual actuarial valuation
 35 of the retirement system. The credits shall be made
 36 at least quarterly to each member's account at the
 37 time that covered wages are reported for each wage
 38 reporting period during the calendar year following a
 39 determination that the retirement system ~~does not have~~
 40 an unfunded accrued liability will remain fully funded
 41 following the crediting of the total amount to the
 42 supplemental accounts. The normal cost rate,
 43 calculated according to the actuarial cost method
 44 used, is the percent of pay allocated to each year of
 45 service that is necessary to fund projected benefits
 46 over all members' service with the retirement system.
 47 Sec. 31. Section 97B.50, subsection 2, Code 2007,
 48 is amended by adding the following new paragraph:
 49 NEW PARAGRAPH. d. For a vested member who retires
 50 from the retirement system due to disability on or

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1 after July 1, 2009, and commences receiving disability
 2 benefits pursuant to the federal Railroad Retirement
 3 Act, 45 U.S.C. § 231 et seq., or the federal Social
 4 Security Act, 42 U.S.C. § 423 et seq., the system may
 5 require the vested member to certify on an annual
 6 basis continued eligibility for disability payments
 7 under the federal Railroad Retirement Act or the
 8 federal Social Security Act. If the vested member is
 9 under the age at which disability benefits are
 10 converted under the federal Social Security Act or the
 11 federal Railroad Retirement Act to retirement benefits
 12 and is no longer eligible for disability payments
 13 under either the federal Railroad Retirement Act or
 14 the federal Social Security Act, the vested member
 15 shall no longer be eligible to receive retirement
 16 benefits as provided by this subsection. If the
 17 system has paid retirement benefits to the member
 18 between the month the member was no longer eligible
 19 for payment pursuant to the federal Railroad

20 Retirement Act or the federal Social Security Act and
 21 the month the system terminated retirement benefits
 22 under this paragraph, the member shall return all
 23 retirement benefits paid by the system following the
 24 termination of such federal disability benefits, plus
 25 interest. The system shall adopt rules pursuant to
 26 chapter 17A to implement this paragraph.

27 Sec. 32. Section 97B.52, subsection 1, paragraph
 28 a, unnumbered paragraphs 1 and 3, Code 2007, are
 29 amended to read as follows:

30 A lump sum payment equal to the accumulated
 31 contributions of the member at the date of death plus
 32 the product of an amount equal to the highest year of
 33 covered wages of the deceased member and the number of
 34 years of membership service divided by the applicable
 35 denominator. ~~However, a lump sum payment made to a~~
 36 ~~beneficiary under this paragraph due to the death of a~~
 37 ~~member shall not be less than the amount that would~~
 38 ~~have been payable on the death of the member on June~~
 39 ~~30, 1984, under this paragraph as it appeared in the~~
 40 ~~1983 Code.~~

41 ~~Effective July 1, 1978, a method of payment under~~
 42 ~~this paragraph filed with the system by a member does~~
 43 ~~not apply.~~

44 Sec. 33. Section 97B.53B, Code 2007, is amended to
 45 read as follows:

46 97B.53B ROLLOVERS OF MEMBERS' ACCOUNTS.

47 1. As used in this section, unless the context
 48 otherwise requires, and to the extent permitted by the
 49 internal revenue service:

50 a. "Direct rollover" means a payment by the system

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1 to the eligible retirement plan specified by ~~the~~
 2 ~~member or the member's surviving spouse an eligible~~
 3 ~~person.~~

4 b. "Eligible person" means any of the following:

5 (1) The member.

6 (2) The member's surviving spouse.

7 (3) The member's spouse or former spouse as an
 8 alternate payee under a qualified domestic relations
 9 order.

10 (4) Effective January 1, 2007, the member's
 11 nonspouse beneficiaries who are designated
 12 beneficiaries as defined by section 401(a)(9)(E) of
 13 the federal Internal Revenue Code, as authorized under
 14 section 829 of the federal Pension Protection Act of
 15 2006.

16 c. "Eligible retirement plan" means either, for an
 17 eligible person, any of the following retirement plans
 18 that accepts can accept an eligible rollover

19 distribution from a member or a member's surviving
20 spouse that eligible person:

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

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

27 ~~(3) In addition, an "eligible retirement plan"~~
28 ~~includes an An~~ annuity plan in accordance with section
29 403(a) of the federal Internal Revenue Code, or a
30 qualified trust in accordance with section 401(a) of
31 the federal Internal Revenue Code, that accepts an
32 eligible rollover distribution from a member.

33 (4) Effective January 1, 2002, ~~the term "eligible~~
34 ~~retirement plan" also includes~~ an annuity contract
35 described in section 403(b) of the federal Internal
36 Revenue Code, and an eligible plan under section
37 457(b) of the federal Internal Revenue Code which is
38 maintained by a state, political subdivision of a
39 state, or any agency or instrumentality of a state or
40 political subdivision of a state that chooses to
41 separately account for amounts transferred into such
42 eligible retirement plan from the system.

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

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

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

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1 (b) Effective January 1, 2002, after-tax employee
2 contributions, if the plan to which such amounts are
3 to be transferred is an individual retirement account
4 described in federal Internal Revenue Code section
5 408(a) or 408(b), or is a qualified defined
6 contribution plan described in federal Internal
7 Revenue Code section 401(a) or 403(a), and such plan
8 agrees to separately account for the after-tax amount
9 so transferred.

10 ~~(c) A distribution made on behalf of a surviving~~
11 ~~spouse and to an alternate payee, who is a spouse or~~
12 ~~former spouse, under a qualified domestic relations~~
13 ~~order. Effective January 1, 2007, after-tax employee~~
14 contributions to a qualified defined benefit plan
15 described in federal Internal Revenue Code section
16 401(a) or 403(a), or a tax-sheltered annuity plan
17 described in federal Internal Revenue Code section

18 403(b), and such plan agrees to separately account for
 19 the after-tax amount so transferred.

20 (2) An eligible rollover distribution does not
 21 include any of the following:

22 (a) A distribution that is one of a series of
 23 substantially equal periodic payments, which occur
 24 annually or more frequently, made for the life or life
 25 expectancy of the distributee or the joint lives or
 26 joint life expectancies of the distributee and the
 27 distributee's designated beneficiary, or made for a
 28 specified period of ten years or more.

29 (b) A distribution to the extent that the
 30 distribution is required pursuant to section 401(a)(9)
 31 of the federal Internal Revenue Code.

32 (c) Prior to January 1, 2002, the portion of any
 33 distribution that is not includible in the gross
 34 income of the distributee, determined without regard
 35 to the exclusion for net unrealized appreciation with
 36 respect to employer securities.

37 2. ~~Effective January 1, 1993, a member or a~~
 38 ~~member's surviving spouse~~ An eligible person may
 39 elect, at the time and in the manner prescribed in
 40 rules adopted by the system and in rules of the
 41 receiving retirement plan, to have the system pay all
 42 or a portion of an eligible rollover distribution
 43 directly to an eligible retirement plan, specified by
 44 ~~the member or the member's surviving spouse,~~ in a
 45 direct rollover. However, effective January 1, 2007,
 46 if the eligible person is a nonspouse beneficiary as
 47 described in subsection 1, paragraph "b", subparagraph
 48 (4), the nonspouse beneficiary may only have a direct
 49 rollover of the distribution to an individual
 50 retirement account or annuity as described in

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1 subsection 1, paragraph "c", subparagraphs (1), (2),
 2 and (5), established for the purpose of receiving the
 3 distribution on behalf of the nonspouse beneficiary,
 4 and such individual retirement account or annuity will
 5 be treated as an inherited individual retirement
 6 account or annuity pursuant to section 829 of the
 7 federal Pension Protection Act of 2006.

8 Sec. 34. Section 97B.80C, subsection 1, paragraph
 9 a, Code 2007, is amended to read as follows:

10 a. "Nonqualified service" means ~~service that is~~
 11 ~~not qualified service and includes, but is not limited~~
 12 ~~to,~~ any of the following:

13 (1) ~~Full time volunteer public service in the~~
 14 ~~federal peace corps program.~~ Service that is not
 15 qualified service.

16 (2) ~~Public employment comparable to employment~~

17 ~~covered under this chapter in a qualified Canadian~~
 18 ~~governmental entity that is an elementary school,~~
 19 ~~secondary school, college, or university that is~~
 20 ~~organized, administered, and primarily supported by~~
 21 ~~the provincial, territorial, or federal governments of~~
 22 ~~Canada, or any combination of the same. Any period of~~
 23 ~~time for which there was no performance of services.~~

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

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

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

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

47 c. A vested or retired member may convert regular
 48 member service credit to special service credit by
 49 payment of the amount actuarially determined as
 50 necessary to fund the resulting increase in the

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1 member's accrued benefit. The conversion shall be
 2 treated as a purchase of qualified service credit
 3 subject to the requirements of paragraph "a" if the
 4 service credit to be converted was or would have been
 5 for qualified service. The conversion shall be
 6 treated as a purchase of nonqualified service credit
 7 subject to the requirements of paragraph "b" if the
 8 service credit to be converted was purchased as
 9 nonqualified service credit.

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

13 (c) ~~The~~ For rollover service purchases prior to
 14 January 1, 2007, the portion of any distribution that
 15 is not includible in the gross income of the

16 distributee, determined without regard to the
17 exclusion for net unrealized appreciation with respect
18 to employer securities.

19 For rollover service purchases on or after January
20 1, 2007, the portion of any distribution that is not
21 includible in the gross income of the distributee,
22 determined without regard to the exclusion for net
23 unrealized appreciation with respect to employer
24 securities, shall be treated as an eligible rollover
25 distribution only when such portion is received from a
26 qualified plan under section 401(a) or 403(a) of the
27 federal Internal Revenue Code.

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

30 3. A member may purchase any service credit as
31 authorized by this section, to the extent permitted by
32 the internal revenue service, by means of a direct
33 transfer, ~~excluding of pretax amounts, and effective~~
34 January 1, 2007, any after-tax contributions, from an
35 annuity contract qualified under federal Internal
36 Revenue Code section 403(b), or an eligible plan
37 described in federal Internal Revenue Code section
38 457(b), maintained by a state, political subdivision
39 of a state, or any agency or instrumentality of a
40 state or political subdivision of a state. A direct
41 transfer is a trustee-to-trustee transfer to the
42 retirement system of contributions made to annuity
43 contracts qualified under federal Internal Revenue
44 Code section 403(b) and eligible governmental plans
45 qualified under federal Internal Revenue Code section
46 457(b) for purposes of purchasing service credit in
47 the retirement system.

48 Sec. 38. Section 97B.73B, Code 2007, is repealed.

49 Sec. 39. IMPLEMENTATION PROVISION.

50 Notwithstanding any provision of section 97B.65 to the

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1 contrary, the provisions of this division of this Act
2 shall be enacted and implemented by the Iowa public
3 employees' retirement system upon the effective dates
4 provided for the provisions of this division of this
5 Act.

6 Sec. 40. EFFECTIVE DATES - RETROACTIVE
7 APPLICABILITY.

8 1. The section of this Act amending section
9 97B.53B, being deemed of immediate importance, takes
10 effect upon enactment, and, except as otherwise
11 stated, is retroactively applicable to January 1,
12 2007, and is applicable on and after that date.

13 2. The sections of this Act amending section
 14 97B.82, being deemed of immediate importance, take
 15 effect upon enactment, and are retroactively
 16 applicable to January 1, 2007, and are applicable on
 17 and after that date.

18 DIVISION III

19 STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM

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

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

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

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

48 3. The system shall ensure that the member, in
 49 exercising an option provided in this section, does
 50 not exceed the amount of annual additions to a

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1 member's account permitted pursuant to section 415 of
 2 the federal Internal Revenue Code.

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

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

8 411.15 HOSPITALIZATION AND MEDICAL ATTENTION.

9 Cities shall provide hospital, nursing, and medical

10 attention for the members of the police and fire
11 departments of the cities, when injured while in the
12 performance of their duties as members of such
13 department, and shall continue to provide hospital,
14 nursing, and medical attention for injuries or
15 diseases incurred while in the performance of their
16 duties for members receiving a retirement allowance
17 under section 411.6, subsection 6. Cities may ~~provide~~
18 fund the cost of the hospital, nursing, and medical
19 attention required by this section through the
20 purchase of insurance, by self-insuring the
21 obligation, or through payment of moneys into a local
22 government risk pool established for the purpose of
23 covering the costs associated with the requirements of
24 this section. However, the cost of the hospital,
25 nursing, and medical attention required by this
26 section shall not be funded through an employee-paid
27 health insurance policy. The cost of ~~providing~~ the
28 hospital, nursing, and medical attention required by
29 this section shall be paid from moneys held in a trust
30 and agency fund established pursuant to section 384.6,
31 or out of the appropriation for the department to
32 which the injured person belongs or belonged; provided
33 that any amounts received by the injured person ~~under~~
34 ~~the workers' compensation law of the state, or from~~
35 any other source for such specific purposes, shall be
36 deducted from the amount paid by the city under the
37 provisions of this section.

38 DIVISION IV

39 JUDICIAL RETIREMENT SYSTEM

40 Sec. 43. Section 602.9104, subsection 1, paragraph
41 b, Code 2007, is amended to read as follows:

42 b. The state shall contribute annually to the
43 judicial retirement fund an amount equal to the
44 state's required contribution for all judges covered
45 under this article. ~~The state's required contribution~~
46 ~~shall be appropriated directly to the judicial~~
47 ~~retirement fund by the general assembly.~~

48 Sec. 44. Section 602.9104, subsection 4,
49 paragraphs b, c, and e, Code 2007, are amended to read
50 as follows:

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1 b. "Fully funded status" means that the most
2 recent actuarial valuation reflects that, ~~using the~~
3 ~~projected unit credit method in accordance with~~
4 ~~generally recognized and accepted actuarial principles~~
5 ~~and practices set forth by the American academy of~~
6 ~~actuaries,~~ the funded status of the system is at least

7 ~~ninety one hundred~~ percent, based upon the benefits
8 provided for judges through the judicial retirement
9 system as of July 1, 2006.

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

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

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

19 ~~(4) (3)~~ For the fiscal year beginning July 1,
20 ~~2006 2010~~, and for each subsequent fiscal year until
21 the system attains fully funded status, ~~six percent~~
22 ~~multiplied by a fraction equal to the actual~~
23 ~~percentage rate contributed by the state for that~~
24 ~~fiscal year divided by twenty three and seven-tenths~~
25 ~~percent~~ nine and thirty-five hundredths percent.

26 ~~(2) (4)~~ Commencing with the first fiscal year in
27 which the system attains fully funded status, and for
28 each subsequent fiscal year, the percentage rate equal
29 to ~~fifty forty~~ percent of the required contribution
30 rate.

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

35 (1) For the fiscal year beginning July 1, ~~2006~~
36 ~~2008~~, and for each subsequent fiscal year until the
37 system attains fully funded status, ~~twenty three and~~
38 ~~seven tenths~~ thirty and six-tenths percent.

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

43 DIVISION V

44 MISCELLANEOUS PROVISIONS

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

48 8A.438 TAX-SHELTERED INVESTMENT CONTRACTS.

49 1. The director may establish a tax-sheltered
50 investment program for eligible employees. The

1 director may arrange for the provision of investment
2 vehicles authorized under section 403(b) of the
3 Internal Revenue Code, as defined in section 422.3.

4 The department may offer the tax-sheltered investment
5 program to eligible public employers in the state of
6 Iowa.

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

17 b. Moneys in the fund are not subject to section
18 8.33. Notwithstanding section 12C.7, subsection 2,
19 interest or earnings on moneys in the fund shall be
20 credited to the fund.

21 Sec. 46. Section 55.1, unnumbered paragraph 1,
22 Code 2007, is amended to read as follows:

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

40 Sec. 47. Section 97C.21, Code 2007, is amended to
41 read as follows:

42 97C.21 VOLUNTARY COVERAGE OF ELECTED OFFICIALS.

43 Notwithstanding any provision of this chapter to
44 the contrary, an employer of elected officials
45 otherwise excluded from the definition of employee as
46 provided in section 97C.2, may, but is not required
47 to, choose to provide benefits to those elected
48 officials as employees as provided by this chapter.
49 Alternatively, the governor may authorize a statewide
50 referendum of the appointed and elected officials of

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1 the state and its political subdivisions on the
2 question of whether to include in or exclude from the
3 definition of employee all such positions. This
4 choice shall be reflected in the federal-state
5 agreement described in section 97C.3, and, if
6 necessary, in this chapter. An employer who is
7 providing benefits to elected officials otherwise
8 excluded from the definition of employee prior to July
9 1, 2002, shall not be deemed to be in an erroneous
10 reporting situation, and corrections for prior federal
11 social security withholdings shall not be required.
12 The implementation of this section shall be subject to
13 the approval of the federal social security
14 administration.

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

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

25 b. The selection of investment contracts to be
26 included within the plan established by the board
27 shall be made either pursuant to a competitive bidding
28 process conducted by the board, in coordination with
29 employee organizations representing employees eligible
30 to participate in the plan, or pursuant to an
31 agreement with the department of administrative
32 services to make available investment contracts
33 included in a deferred compensation or similar plan
34 established by the department pursuant to section
35 8A.438, which plan meets the requirements of this
36 subsection. The determination of whether to select
37 investment contracts for the plan pursuant to a
38 competitive bidding process or by agreement with the
39 department of administrative services shall be made by
40 agreement between the board and the employee
41 organizations representing employees eligible to
42 participate in the plan.

43 c. The board may make elective deferrals in
44 accordance with the plan as authorized by an eligible
45 employee for the purpose of making contributions to an
46 investment contract in the plan on behalf of the
47 employee. The deferrals shall be made in the manner
48 which will qualify contributions to the investment

49 contract for the benefits under section 403(b) of the
50 Internal Revenue Code, as defined in section 422.3.

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1 In addition, the board may make nonelective employer
2 contributions to the plan.

3 d. As used in this subsection, unless the context
4 otherwise requires, "investment contract" shall mean a
5 custodial account utilizing mutual funds or an annuity
6 contract which meets the requirements of section
7 403(b) of the Internal Revenue Code, as defined in
8 section 422.3.

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

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

19 b. The selection of investment contracts to be
20 included within the plan established by the board
21 shall be made either pursuant to a competitive bidding
22 process conducted by the board, in coordination with
23 employee organizations representing employees eligible
24 to participate in the plan, or pursuant to an
25 agreement with the department of administrative
26 services to make available investment contracts
27 included in a deferred compensation or similar plan
28 established by the department pursuant to section
29 8A.438, which plan meets the requirements of this
30 subsection. The determination of whether to select
31 investment contracts for the plan pursuant to a
32 competitive bidding process or by agreement with the
33 department of administrative services shall be made by
34 agreement between the board and the employee
35 organizations representing employees eligible to
36 participate in the plan.

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

47 d. As used in this subsection, unless the context

48 otherwise requires, "investment contract" shall mean a
49 custodial account utilizing mutual funds or an annuity
50 contract which meets the requirements of section

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1 403(b) of the Internal Revenue Code, as defined in
2 section 422.3.

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

6 294.16 INVESTMENT CONTRACTS.

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

14 2. The selection of investment contracts to be
15 included within the plan established by the school
16 district shall be made either pursuant to a
17 competitive bidding process conducted by the school
18 district, in coordination with employee organizations
19 representing employees eligible to participate in the
20 plan, or pursuant to an agreement with the department
21 of administrative services to make available
22 investment contracts included in a deferred
23 compensation or similar plan established by the
24 department pursuant to section 8A.438, which plan
25 meets the requirements of this section. The
26 determination of whether to select investment
27 contracts for the plan pursuant to a competitive
28 bidding process or by agreement with the department of
29 administrative services shall be made by agreement
30 between the school district and the employee
31 organizations representing employees eligible to
32 participate in the plan.

33 3. The school district may make elective deferrals
34 in accordance with the plan as authorized by an
35 eligible employee for the purpose of making
36 contributions to the investment contract on behalf of
37 the employee. The deferrals shall be made in the
38 manner which will qualify contributions to the
39 investment contract for the benefits under section
40 403(b) of the Internal Revenue Code, as defined in
41 section 422.3. In addition, the school district may
42 make nonelective employer contributions to the plan.

43 4. As used in this section, unless the context
44 otherwise requires, "investment contract" shall mean a
45 custodial account utilizing mutual funds or an annuity

46 contract which meets the requirements of section
47 403(b) of the Internal Revenue Code, as defined in
48 section 422.3.
49 Sec. 51. TRANSITION PROVISIONS – INTERNAL REVENUE
50 CODE SECTION 403(b) PLANS. Notwithstanding any

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1 provision of law to the contrary, the investment
2 contracts to be included within a plan established
3 pursuant to section 260C.14, subsection 9, section
4 273.3, subsection 14, or section 294.16, for the
5 period beginning January 1, 2009, and ending December
6 31, 2009, shall be investment contracts selected by
7 the department of administrative services from among
8 the investment contracts included in a deferred
9 compensation or similar plan established by the
10 department of administrative services, which plan
11 meets the requirements of section 403(b) of the
12 Internal Revenue Code, as defined in section 422.3, or
13 shall be from no more than five companies authorized
14 to issue investment contracts as selected by the
15 applicable employer and from no more than three
16 companies authorized to issue investment contracts as
17 selected by, and in the sole discretion of, the
18 employee organizations representing the applicable
19 employer's employees. Selection of companies and
20 investment contracts for a plan shall be made in the
21 best interests of employees eligible to participate in
22 the plan. The determination of whether to select
23 investment contracts for the plan for the period
24 beginning January 1, 2009, and ending December 31,
25 2009, that are included in a deferred compensation or
26 similar plan established by the department of
27 administrative services or that are selected by the
28 applicable employer and the employee organizations
29 representing the applicable employer's employees,
30 shall be made by an agreement entered into by August
31 15, 2008, between the applicable employer and the
32 employee organizations representing the applicable
33 employer's employees eligible to participate in the
34 plan. Applicable employers shall have the authority
35 to take such action as deemed necessary to establish,
36 effective January 1, 2009, an eligible plan pursuant
37 to section 260C.14, subsection 9, section 273.3,
38 subsection 14, or section 294.16.
39 Sec. 52. DEPARTMENT OF ADMINISTRATIVE SERVICES –
40 SELECTION OF INVESTMENT CONTRACT PROVIDERS FOR
41 INTERNAL REVENUE CODE SECTION 403(b) PLANS.
42 1. The department of administrative services shall
43 establish, by January 1, 2010, a plan, as authorized
44 pursuant to section 8A.438 and in accordance with

45 section 403(b) of the Internal Revenue Code, as
46 defined in section 422.3, for employees, which plan
47 shall consist of one or more investment contracts, on
48 a group or individual basis, acquired from a company,
49 or a salesperson for that company, that is authorized
50 to do business in this state, that is eligible to be

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1 utilized as a vendor of investment contracts for plans
2 established pursuant to section 260C.14, subsection 9,
3 section 273.3, subsection 14, or section 294.16.

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

15 3. As used in this section, unless the context
16 otherwise requires, "investment contract" shall mean a
17 custodial account utilizing mutual funds or an annuity
18 contract which meets the requirements of section
19 403(b) of the Internal Revenue Code, as defined in
20 section 422.3.

21 Sec. 53. EFFECTIVE DATE.

22 1. The sections of this division of this Act
23 amending section 260C.14, subsection 9, section 273.3,
24 subsection 14, and section 294.16, take effect January
25 1, 2009.

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

31 2. By renumbering as necessary.

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

On the question "Shall amendment [H-8626](#) be adopted?" ([H.F. 2424](#))

The ayes were, 44:

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

The nays were, 55:

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

Absent or not voting, 1:

Roberts

Amendment [H-8626](#) lost.

Baudler of Adair offered the following amendment [H-8575](#) filed by him and moved its adoption:

[H-8575](#)

- 1 Amend [Senate File 2424](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 5, line 14, by inserting after the word
- 4 "death" the following: "except as otherwise provided
- 5 by this subsection".
- 6 2. Page 5, line 22, by inserting after the word
- 7 "chapter." the following: "However, a member
- 8 receiving an accidental disability benefit arising out
- 9 of an injury, disease, or exposure occurring or

10 aggravated on or after July 1, 2000, shall not have
 11 the member's pension offset by amounts payable under
 12 workers' compensation for a permanent partial
 13 disability or permanent total disability pursuant to
 14 section 85.34, for the same disability or death."

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

17 "Sec. ____ EFFECTIVE DATE – RETROACTIVE
 18 APPLICABILITY. The section of this division of this
 19 Act amending section 97A.6, subsection 11, being
 20 deemed of immediate importance, takes effect upon
 21 enactment and is retroactively applicable to July 1,
 22 2000, and is applicable on and after that date."

23 4. By renumbering as necessary.

Amendment [H-8575](#) lost.

Frevert of Palo Alto asked and received unanimous consent to withdraw amendment [H-8624](#) filed by her on April 22, 2008.

Jacobs of Polk asked and received unanimous consent to withdraw amendment [H-8576](#) filed by her on April 21, 2008.

Jacobs of Polk asked and received unanimous consent to withdraw amendment [H-8625](#) filed by her on April 22, 2008.

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

On the question "Shall the bill pass?" ([S.F. 2424](#))

The ayes were, 55:

Abdul Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Wendt	Wenthe

Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker Murphy	

The nays were, 44:

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

Absent or not voting, 1:

Roberts

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 2424](#) be immediately messaged to the Senate.

PRESENTATION TO RETIRING MEMBERS AND LEADERS

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

Carmine Boal, District 70	1998-2008
Dan Clute, District 59	2006-2008
Swati Dandekar, District 36	2002-2008
Ro Foege, District 29	1996-2008
Chuck Gipp, District 16	1990-2008
Polly Granzow, District 44	2002-2008
Sandy Greiner, District 89	1992-2000 and 2002-2008
Clarence Hoffman, District 55	1998-2008

Libby Jacobs, District 60	1994-2008
Pam Jochum, District 27	1992-2008
Bill Schickel, District 13	2002-2008
Walt Tomenga, District 69	2004-2008
Phil Wise, District 29	1986-2008

The House rose and expressed its appreciation.

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

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

The House rose and expressed its appreciation.

ADOPTION OF THE REPORT OF THE SECOND
CONFERENCE COMMITTEE
[\(Senate File 2425\)](#)

Foegen of Linn called up for consideration the report of the second conference committee on [Senate File 2425](#) and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON [SENATE FILE 2425](#)

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on [Senate File 2425](#), a bill for an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, respectfully make the following report:

1. That the House recedes from its amendment, S-5401.
2. That [Senate File 2425](#), as amended, passed, and reprinted by the Senate, is amended to read as follows:
 1. Page 1, line 24, by striking the figure "4,851,698" and inserting the following: "5,251,698".
 2. Page 2, by inserting after line 21 the following:

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

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

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

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

5. Page 3, by inserting after line 3, the following:

"b. Of the funds appropriated in this subsection, \$1,550,000 shall be used for tobacco use prevention, cessation, and treatment."

6. Page 4, by striking lines 9 through 13.

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

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

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

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

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

12. Page 6, by inserting after line 31, the following:

"dd. Of the funds appropriated in this subsection, \$200,000 shall be used for start-up costs to implement licensing of plumbers and mechanical professionals in accordance with 2007 Iowa Acts, chapter 198."

13. Page 7, line 25, by striking the figure "4,678,000" and inserting the following: "1,698,000".

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

15. Page 7, by striking lines 32 through 34 and inserting the following:

"2. In addition to the appropriation made in subsection 1, there is appropriated from funds available in the gambling treatment fund created in section 135.150 to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be utilized for the benefit of substance abuse treatment for persons with addictions:

..... \$ 525,000

The amount appropriated in this subsection is one-time funding from moneys remaining in the gambling treatment fund from the carry forward of appropriations made for addictive disorders in previous fiscal years."

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

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

18. Page 8, by inserting after line 10 the following:

"4. Notwithstanding any provision to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of gambling and substance abuse treatment services statewide, the department shall implement a process to create a system for delivery of the treatment services. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the gambling and substance abuse treatment services in an area may be provided either by a single

agency or by separate agencies submitting a joint proposal. The process shall be completed by July 1, 2010.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"___ . Of the funds appropriated in this section, \$250,000 shall be used to implement the provisions in 2007 Iowa Acts, chapter 218, section 124, as amended by the Eighty-

second General Assembly, 2008 Session, relating to eligibility for certain persons with disabilities under the medical assistance program.

___ . The department of human services shall conduct a review of the impact of broadening the list of drugs prescribed for the treatment of diabetes on the preferred drug list under the medical assistance program in order to promote drugs that are appropriate and therapeutically effective for persons with diabetes. The review shall include, at a minimum, a comparison of the effectiveness of drugs prescribed for the treatment of diabetes and a cost analysis. The department shall report its findings and recommendations to the individuals specified in this Act to receive reports by December 15, 2008.

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

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

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

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

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

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

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

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

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

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

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

37. Page 37, line 29, by striking the figure "32,568,872" and inserting the following: "34,168,872".

38. Page 39, line 35, by striking the figure "7,023,073" and inserting the following: "7,323,073".

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

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

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

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

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

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

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

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

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

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

..... \$ 200,000

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

Sec.____. CIVIL MONETARY PENALTIES – DIRECT CARE WORKERS. Of the funds received by the department of human services through federal civil monetary penalties from nursing facilities, during the fiscal year beginning July 1, 2008, and ending June 30, 2009, \$70,000 shall be used to provide conference scholarships to direct care workers, subject to approval by the centers for Medicare and Medicaid services of the United States department of health and human services."

45. Page 46, line 32, by striking the figure "2007." And inserting the following: "2007, plus 1 percent. Nursing facility rates calculated in accordance with this subparagraph shall in no instance exceed the rate component limits as defined in 441 IAC 81.6(16)."

46. Page 47, line 23, by striking the figure "4.52" and inserting the following: "4.57".

47. Page 47, by striking lines 25 through 33, and inserting the following:

"c. (1) (a) For the fiscal year beginning July 1, 2008, reimbursement rates for inpatient and outpatient hospital services shall be increased by 1 percent over the rates in effect on June 30, 2008.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63. Page 55, by inserting before line 26 the following:

"Sec.____. VISUAL ASSESSMENTS AND REPAIR OF LEAD HAZARDS. The department of human services and the department of education shall adopt rules to require programs and facilities under the purview of the respective department to conduct visual assessments for lead hazards and to repair lead hazards identified."

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

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

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

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

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

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

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

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

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

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

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

services in Iowa, the Iowa chapter of the national association of social workers, the Iowa psychological society, and the Iowa psychiatric society.

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

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

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

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

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

75. Page 94, by striking lines 20 through 30 and inserting the following: "TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM
Sec. _____. 2007 Iowa Acts, chapter 218, section 7, subsection 3, is amended by adding the following new unnumbered paragraph:

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

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

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

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

MH/DD COMMUNITY SERVICES FUND TRANSFER FOR ADDICTIVE DISORDERS

Sec. _____. 2007 Iowa Acts, chapter 218, section 26, subsection 6, is amended to read as follows:

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

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

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

..... \$ 2,500,000"

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

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

81. Page 121, by inserting after line 21 the following:

"Sec. _____. Section 235B.19, subsection 3, paragraph c, Code 2007, is amended to read as follows:

c. Order the provision of other available services necessary to remove conditions creating the danger to health or safety, including the services of peace officers or emergency services personnel and the suspension of the powers granted to a guardian or conservator and the subsequent appointment of a new temporary guardian or new temporary conservator pursuant to subsection 4 pending a decision by the court on whether the powers of the initial guardian or conservator should be reinstated or whether the initial guardian or conservator should be removed.

Sec. _____. Section 235B.19, subsection 4, Code 2007, is amended to read as follows:

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

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

(2) The department certifies to the court in writing any efforts the department has made to give the notice or the reasons supporting the claim that notice should not be required.

(3) The department files with the court a request for a hearing on the petition for the appointment of a temporary guardian or temporary conservator.

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

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

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

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

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

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

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

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

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

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

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

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

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

83. Page 126, by striking lines 18 through 24.

84. By striking page 128, line 32, through page 130, line 10.

"DIVISION _____
HEALTHY KIDS ACT

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

Sec.____. Section 256.7, Code Supplement 2007, is amended by adding the following new subsection:

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

Sec.____. Section 256.9, Code Supplement 2007, is amended by adding the following new subsections:

NEW SUBSECTION. 57. Convene, in collaboration with the department of public health, a nutrition advisory panel to review research in pediatric nutrition conducted in compliance with accepted scientific methods by recognized professional organizations and agencies including but not limited to the institute of medicine. The advisory panel shall submit its findings and recommendations, which shall be consistent with the dietary guidelines for Americans published jointly by the United States department of health and human services and department of agriculture if in the judgment of the advisory panel the guidelines are supported by the research findings, in a report to the state board. The advisory panel may submit to the state board recommendations on standards related to federal school food programs if the recommendations are intended to exceed the existing federal guidelines. The state board shall consider the advisory panel report when establishing or amending the nutritional content standards required pursuant to section 256.7, subsection 29. The director shall convene the advisory panel by July 1, 2008, and every five years thereafter to review the report and make recommendations for changes as appropriate. The advisory panel shall include but is not limited to at least one Iowa state university extension nutrition and health field specialist and at least one representative from each of the following:

- a. The Iowa dietetic association.
- b. The school nutrition association of Iowa.
- c. The Iowa association of school boards.
- d. The school administrators of Iowa.
- e. The Iowa chapter of the American academy of pediatrics.
- f. A school association representing parents.
- g. The Iowa grocery industry association.
- h. An accredited nonpublic school.
- i. The Iowa state education association.
- j. The farm-to-school council established pursuant to section 190A.2.

NEW SUBSECTION. 58. Monitor school districts and accredited nonpublic schools for compliance with the nutritional content standards for foods and beverages adopted by the state board in accordance with section 256.7, subsection 29. School districts and accredited nonpublic schools shall annually make the standards available to students, parents, and the local community. A school district or accredited nonpublic school

found to be in noncompliance with the nutritional content standards by the director shall submit a corrective action plan to the director for approval which sets forth the steps to be taken to ensure full compliance.

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

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

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

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

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

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

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

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

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

Sec. _____. EFFECTIVE DATE. The section of this division of this Act that amends section 256.11, subsection 6, takes effect July 1, 2009.

DIVISION_MASS TRANSIT

Sec. _____. MASS TRANSIT INTERIM COMMITTEE. The legislative council is requested to establish a legislative interim study committee to conduct a comprehensive study of the ways in which mass transit might be employed to provide public transportation services among Iowa communities. The study should include but not be limited to an examination of the following:

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

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

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

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

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

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

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

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

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

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

On the question "Shall the bill pass?" ([S.F. 2425](#))

The ayes were, 53:

Abdul-Samad
Bukta
Foege

Bailey
Cohon
Ford

Bell
Dandekar
Frevort

Berry
Davitt
Gaskill

Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 45:

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

Absent or not voting, 2:

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

CONFERENCE COMMITTEE REPORT RECEIVED
[\(House File 2539\)](#)

A conference committee report signed by the following Senate and House members was filed April 25, 2008, on [House File 2539](#), a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, and including an applicability provision:

ON THE PART OF THE SENATE:
 HATCH, Chair
 BOLKCOM
 JOHNSON
 RAGAN
 SEYMOUR

ON THE PART OF THE HOUSE:
 HEDDENS, Chair
 ABDUL-SAMAD
 HEATON
 SMITH
 UPMAYER

McCarthy of Polk asked unanimous consent for the immediate consideration of [Senate File 2426](#).

Objection was raised.

ADOPTION OF THE REPORT OF THE
 CONFERENCE COMMITTEE
 ([House File 2539](#))

Smith of Marshall called up for consideration the report of the conference committee on [House File 2539](#) as follows:

REPORT OF THE CONFERENCE COMMITTEE
 ON [HOUSE FILE 2539](#)

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

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

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

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

HEALTH CARE COVERAGE INTENT

Section 1. DECLARATION OF INTENT.

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

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

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

(2) Building upon the current hawk-i program by creating a hawk-i expansion program to provide coverage to children who meet the hawk-i program's eligibility

criteria but whose income is at or below three hundred percent of the federal poverty level, beginning July 1, 2009.

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

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

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

DIVISION II

HAWK-I AND MEDICAID EXPANSION

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

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

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

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

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

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

2. Beginning with the income tax return for tax year 2008, a person who files an individual or joint income tax return with the department under section 422.13, may

report on the income tax return, in the form required, the presence or absence of health care coverage for each dependent child for whom an exemption is claimed.

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SUBSECTION. 7A. "Hawk-i expansion program" or "hawk-I expansion" means the healthy and well kids in Iowa expansion program created in section 514I.12 to provide health insurance to children who meet the hawk-i program eligibility criteria pursuant to section 514I.8, with the exception of the family income criteria, and whose family income is at or below three hundred percent of the federal poverty

level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

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

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

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

NEW PARAGRAPH.

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

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

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

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

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

Sec. 12. Section 514I.10, subsection 2, Code 2007, is amended to read as follows:

2. Cost sharing for eligible children whose family income equals ~~or exceeds~~ one hundred fifty percent but does not exceed two hundred percent of the federal poverty level may include a premium or copayment amount which does not exceed five percent of the annual family income. The amount of any premium or the copayment amount shall be based on family income and size.

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Federal limitations and quantifying of the risk of federal disallowance.

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

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

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

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

FY 2008-2009	\$ 4,800,000
FY 2009-2010	\$ 14,800,000
FY 2010-2011	\$ 24,800,000

DIVISION III
IOWA CHOICE HEALTH CARE COVERAGE
AND ADVISORY COUNCIL

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

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

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

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

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

plan submitted by the association and approved by the commissioner. In addition to other requirements, the plan of operation shall provide for all of the following:

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

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

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

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

a. Inpatient hospital services including medical, surgical, intensive care unit, mental health, and substance abuse services.

b. Nursing care services including skilled nursing facility services.

c. Outpatient hospital services including emergency room, surgery, lab, and x-ray services and other services.

d. Physician services, including surgical and medical, office visits, newborn care, well-baby and well-child care, immunizations, urgent care, specialist care, allergy testing and treatment, mental health visits, and substance abuse visits.

e. Ambulance services.

f. Physical therapy.

g. Speech therapy.

h. Durable medical equipment.

i. Home health care.

j. Hospice services.

k. Prescription drugs.

l. Dental services including preventive services.

m. Medically necessary hearing services.

n. Vision services including corrective lenses.

o. No underwriting requirements and no preexisting condition exclusions.

p. Chiropractic services.

4. As part of the comprehensive plan developed, the association, in consultation with the advisory council, shall consider and recommend affordable health care coverage options for purchase for children less than nineteen years of age with a family income that is more than three hundred percent of the federal poverty level, with the goal of including health care coverage options for which the contribution requirement

for all cost-sharing expenses is no more than two percent of family income per each child covered, up to a maximum of six and one-half percent of family income per family. The association, in consultation with the advisory council, shall also consider and recommend whether such health care coverage options should require a copayment for services received in an amount determined by the association.

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

6. As part of the comprehensive plan the association and the advisory council may collaborate with health insurance carriers to do the following, including but not limited to:

a. Design solutions to issues relating to guaranteed issuance of insurance, preexisting condition exclusions, portability, and allowable pooling and rating classifications.

b. Formulate principles that ensure fair and appropriate practices relating to issues involving individual health care policies such as rescission and preexisting condition clauses, and that provide for a binding third-party review process to resolve disputes related to such issues.

c. Design affordable, portable health care coverage options for low-income children, adults, and families.

d. Design a proposed premium schedule for health care coverage options that are recommended which includes the development of rating factors that are consistent with market conditions.

e. Design protocols to limit the transfer from employer-sponsored or other private health care coverage to state-developed health care coverage plans.

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

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

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

2. The advisory council consists of the following persons who are voting members unless otherwise provided:

a. The two most recent former governors, or if one or both of them are unable or unwilling to serve, a person or persons appointed by the governor.

b. Seven members appointed by the director of public health:

(1) A representative of the federation of Iowa insurers.

(2) A health economist who resides in Iowa.

(3) Two consumers, one of whom shall be a representative of a children's advocacy organization and one of whom shall be a member of a minority.

(4) A representative of organized labor.

(5) A representative of an organization of employers.

(6) A representative of the Iowa association of health underwriters.

c. The following members shall be ex officio, nonvoting members of the council:

(1) The commissioner of insurance, or a designee.

(2) The director of human services, or a designee.

(3) The director of public health, or a designee.

(4) Four members of the general assembly, one appointed by the speaker of the house of representatives, one appointed by the minority leader of the house of representatives, one appointed by the majority leader of the senate, and one appointed by the minority leader of the senate.

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

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

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

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

DIVISION IV
HEALTH INSURANCE OVERSIGHT

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

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

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

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

..... \$ 80,000

DIVISION V
IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

DIVISION XXI

IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

Sec. 23. NEW SECTION. 135.154 DEFINITIONS.

As used in this division, unless the context otherwise requires:

1. "Board" means the state board of health created pursuant to section 136.1.
 2. "Department" means the department of public health.
 3. "Health care professional" means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.
 4. "Health information technology" means the application of information processing, involving both computer hardware and software, that deals with the storage, retrieval, sharing, and use of health care information, data, and knowledge for communication, decision making, quality, safety, and efficiency of clinical practice, and may include but is not limited to:
 - a. An electronic health record that electronically compiles and maintains health information that may be derived from multiple sources about the health status of an individual and may include a core subset of each care delivery organization's electronic medical record such as a continuity of care record or a continuity of care document, computerized physician order entry, electronic prescribing, or clinical decision support.
 - b. A personal health record through which an individual and any other person authorized by the individual can maintain and manage the individual's health information.
 - c. An electronic medical record that is used by health care professionals to electronically document, monitor, and manage health care delivery within a care delivery organization, is the legal record of the patient's encounter with the care delivery organization, and is owned by the care delivery organization.
 - d. A computerized provider order entry function that permits the electronic ordering of diagnostic and treatment services, including prescription drugs.
 - e. A decision support function to assist physicians and other health care providers in making clinical decisions by providing electronic alerts and reminders to improve compliance with best practices, promote regular screenings and other preventive practices, and facilitate diagnoses and treatments.
 - f. Tools to allow for the collection, analysis, and reporting of information or data on adverse events, the quality and efficiency of care, patient satisfaction, and other health care-related performance measures.
 5. "Interoperability" means the ability of two or more systems or components to exchange information or data in an accurate, effective, secure, and consistent manner and to use the information or data that has been exchanged and includes but is not limited to:
 - a. The capacity to connect to a network for the purpose of exchanging information or data with other users.
 - b. The ability of a connected, authenticated user to demonstrate appropriate permissions to participate in the instant transaction over the network.
 - c. The capacity of a connected, authenticated user to access, transmit, receive, and exchange usable information with other users.
 6. "Recognized interoperability standard" means interoperability standards recognized by the office of the national coordinator for health information technology of the United States department of health and human services.
- Sec. 24. NEW SECTION. 135.155 IOWA ELECTRONIC HEALTH – PRINCIPLES – GOALS.

1. Health information technology is rapidly evolving so that it can contribute to the goals of improving access to and quality of health care, enhancing efficiency, and reducing costs.

2. To be effective, the health information technology system shall comply with all of the following principles:

a. Be patient-centered and market-driven.

b. Be based on approved standards developed with input from all stakeholders.

c. Protect the privacy of consumers and the security and confidentiality of all health information.

d. Promote interoperability.

e. Ensure the accuracy, completeness, and uniformity of data.

3. Widespread adoption of health information technology is critical to a successful health information technology system and is best achieved when all of the following occur:

a. The market provides a variety of certified products from which to choose in order to best fit the needs of the user.

b. The system provides incentives for health care professionals to utilize the health information technology and provides rewards for any improvement in quality and efficiency resulting from such utilization.

c. The system provides protocols to address critical problems.

d. The system is financed by all who benefit from the improved quality, efficiency, savings, and other benefits that result from use of health information technology.

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

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

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

2. a. An electronic health information advisory council is established which shall consist of the representatives of entities involved in the electronic health records system task force established pursuant to section 217.41A, Code 2007, a pharmacist, a licensed practicing physician, a consumer who is a member of the state board of health, a representative of the state's Medicare quality improvement organization, the executive director of the Iowa communications network, a representative of the private telecommunications industry, a representative of the Iowa collaborative safety net provider network created in section 135.153, a nurse informaticist from the university of Iowa, and any other members the department or executive committee of the advisory council determines necessary and appoints to assist the department or executive committee at various stages of development of the electronic health information system. Executive branch agencies shall also be included as necessary to assist in the

duties of the department and the executive committee. Public members of the advisory council shall receive reimbursement for actual expenses incurred while serving in their official capacity only if they are not eligible for reimbursement by the organization that they represent. Any legislative members shall be paid the per diem and expenses specified in section 2.10.

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

(1) Three members, each of whom is the chief information officer of one of the three largest private health care systems in the state.

(2) One member who is the chief information officer of the university of Iowa hospitals and clinics, or the chief information officer's designee, selected by the director of the university of Iowa hospitals and clinics.

(3) One member who is a representative of a rural hospital who is a member of the Iowa hospital association, selected by the Iowa hospital association.

(4) One member who is a consumer member of the state board of health, selected by the state board of health.

(5) One member who is a licensed practicing physician, selected by the Iowa medical society.

(6) One member who is licensed to practice nursing, selected by the Iowa nurses association.

(7) One representative of an insurance carrier selected by the federation of Iowa insurers.

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

a. Develop a statewide health information technology plan by July 1, 2009. In developing the plan, the executive committee shall seek the input of providers, payers, and consumers. Standards and policies developed for the plan shall promote and be consistent with national standards developed by the office of the national coordinator for health information technology of the United States department of health and human services and shall address or provide for all of the following:

(1) The effective, efficient, statewide use of electronic health information in patient care, health care policymaking, clinical research, health care financing, and continuous quality improvement. The executive committee shall recommend requirements for interoperable electronic health records in this state including a recognized interoperability standard.

(2) Education of the public and health care sector about the value of health information technology in improving patient care, and methods to promote increased support and collaboration of state and local public health agencies, health care professionals, and consumers in health information technology initiatives.

(3) Standards for the exchange of health care information.

(4) Policies relating to the protection of privacy of patients and the security and confidentiality of patient information.

(5) Policies relating to information ownership.

(6) Policies relating to governance of the various facets of the health information technology system.

(7) A single patient identifier or alternative mechanism to share secure patient information. If no alternative mechanism is acceptable to the executive committee, all

health care professionals shall utilize the mechanism selected by the executive committee by July 1, 2010.

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

(9) Requirements for electronic prescribing.

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

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

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

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

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

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

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

d. Promote the use of telemedicine.

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

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

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

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

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

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

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

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

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

NEW SUBSECTION. 20. Access shall be offered to the Iowa hospital association only for the purposes of collection, maintenance, and dissemination of health and financial data for hospitals and for hospital education services. The Iowa hospital association shall be responsible for all costs associated with becoming part of the network, as determined by the commission.

Sec. 27. Section 136.3, Code 2007, is amended by adding the following new subsection:

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

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

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

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

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

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

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

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

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

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

For activities associated with the end-of-life care information requirements of this division:

.....	\$ 10,000
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Sec. 32. LONG-TERM LIVING PLANNING TOOLS – PUBLIC EDUCATION CAMPAIGN. The legal services development and substitute decision maker programs of the department of elder affairs, in collaboration with other appropriate agencies and interested parties, shall research existing long-term living planning tools that are designed to increase quality of life and contain health care costs and recommend a public education campaign strategy on long-term living to the general assembly by January 1, 2009.

Sec. 33. LONG-TERM CARE OPTIONS PUBLIC EDUCATION CAMPAIGN. The department of elder affairs, in collaboration with the insurance division of the department of commerce, shall implement a long-term care options public education campaign. The campaign may utilize such tools as the "Own Your Future Planning Kit" administered by the centers for Medicare and Medicaid services, the administration on aging, and the office of the assistant secretary for planning and evaluation of the United States department of health and human services, and other tools developed through the aging and disability resource center program of the administration on aging and the centers for Medicare and Medicaid services designed to promote health

and independence as Iowans age, assist older Iowans in making informed choices about the availability of long-term care options, including alternatives to facility-based care, and to streamline access to long-term care.

Sec. 34. LONG-TERM CARE OPTIONS PUBLIC EDUCATION CAMPAIGN – APPROPRIATION. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For activities associated with the long-term care options public education campaign requirements of this division:

..... § 75,000

Sec. 35. HOME AND COMMUNITY-BASED SERVICES PUBLIC EDUCATION CAMPAIGN. The department of elder affairs shall work with other public and private agencies to identify resources that may be used to continue the work of the aging and disability resource center established by the department through the aging and disability resource center grant program efforts of the administration on aging and the centers for Medicare and Medicaid services of the United States department of health and human services, beyond the federal grant period ending September 30, 2008.

Sec. 36. PATIENT AUTONOMY IN HEALTH CARE DECISIONS PILOT PROJECT.

1. The department of public health shall establish a two-year community coalition for patient treatment wishes across the health care continuum pilot project, beginning July 1, 2008, and ending June 30, 2010, in a county with a population of between fifty thousand and one hundred thousand. The pilot project shall utilize the process based upon the national physicians orders for life sustaining treatment program initiative, including use of a standardized physician order for scope of treatment form. The process shall require validation of the physician order for scope of treatment form by the signature of an individual other than the patient or the patient's legal representative who is not an employee of the patient's physician. The pilot project may include applicability to chronically ill, frail, and elderly or terminally ill individuals in hospitals licensed pursuant to chapter 135B, nursing facilities or residential care facilities licensed pursuant to chapter 135C, or hospice programs as defined in section 135J.1.

2. The department of public health shall convene an advisory council, consisting of representatives of entities with interest in the pilot project, including but not limited to the Iowa hospital association, the Iowa medical society, organizations representing health care facilities, representatives of health care providers, and the Iowa trial lawyers association, to develop recommendations for expanding the pilot project statewide. The advisory council shall report its findings and recommendations, including recommendations for legislation, to the governor and the general assembly by January 1, 2010.

3. The pilot project shall not alter the rights of individuals who do not execute a physician order for scope of treatment.

a. If an individual is a qualified patient as defined in section 144A.2, the individual's declaration executed under chapter 144A shall control health care decision making for the individual in accordance with chapter 144A. A physician order for scope of treatment shall not supersede a declaration executed pursuant to chapter 144A. If an individual has not executed a declaration pursuant to chapter 144A, health care decision making relating to life-sustaining procedures for the individual shall be governed by section 144A.7.

b. If an individual has executed a durable power of attorney for health care pursuant to chapter 144B, the individual's durable power of attorney for health care shall control health care decision making for the individual in accordance with chapter 144B. A physician order for scope of treatment shall not supersede a durable power of attorney for health care executed pursuant to chapter 144B.

c. In the absence of actual notice of the revocation of a physician order for scope of treatment, a physician, health care provider, or any other person who complies with a physician order for scope of treatment shall not be subject to liability, civil or criminal, for actions taken under this section which are in accordance with reasonable medical standards. Any physician, health care provider, or other person against whom criminal or civil liability is asserted because of conduct in compliance with this section may interpose the restriction on liability in this paragraph as an absolute defense.

DIVISION VII

HEALTH CARE COVERAGE

Sec. 37. NEW SECTION. 505.31 REIMBURSEMENT ACCOUNTS.

The commissioner of insurance shall assist employers with twenty-five or fewer employees with implementing and administering plans under section 125 of the Internal Revenue Code, including medical expense reimbursement accounts and dependent care accounts. The commissioner shall provide information about the assistance available to small employers on the insurance division's internet site.

Sec. 38. Section 509.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A provision that the insurer will permit continuation of existing coverage for an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 39. NEW SECTION. 509A.13B CONTINUATION OF DEPENDENT COVERAGE.

If a governing body, a county board of supervisors, or a city council has procured accident or health care coverage for its employees under this chapter such coverage shall permit continuation of existing coverage for an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 40. Section 513C.7, subsection 2, paragraph a, Code 2007, is amended to read as follows:

~~a.~~ The individual basic or standard health benefit plan shall not deny, exclude, or limit benefits for a covered individual for losses incurred more than twelve months following the effective date of the individual's coverage due to a preexisting condition. A preexisting condition shall not be defined more restrictively than any of the following:

~~(1)~~ a. A condition that would cause an ordinarily prudent person to seek medical advice, diagnosis, care, or treatment during the twelve months immediately preceding the effective date of coverage.

~~(2)~~ b. A condition for which medical advice, diagnosis, care, or treatment was recommended or received during the twelve months immediately preceding the effective date of coverage.

~~(3)~~ c. A pregnancy existing on the effective date of coverage.

Sec. 41. Section 513C.7, subsection 2, paragraph b, Code 2007, is amended by striking the paragraph.

Sec. 42. NEW SECTION. 514A.3B ADDITIONAL REQUIREMENTS.

1. An insurer which accepts an individual for coverage under an individual policy or contract of accident and health insurance shall waive any time period applicable to a preexisting condition exclusion or limitation period requirement of the policy or contract with respect to particular services in an individual health benefit plan for the period of time the individual was previously covered by qualifying previous coverage as defined in section 513C.3 that provided benefits with respect to such services, provided that the qualifying previous coverage was continuous to a date not more than sixty-three days prior to the effective date of the new policy or contract. Any days of coverage provided to an individual pursuant to chapter 249A or 514I, or Medicare coverage provided pursuant to Title XVIII of the federal Social Security Act, do not constitute qualifying previous coverage. Such days of chapter 249A or 514I or Medicare coverage shall be counted as part of the maximum sixty-three-day grace period and shall not constitute a basis for the waiver of any preexisting condition exclusion or limitation period.

2. An insurer issuing an individual policy or contract of accident and health insurance which provides coverage for children of the insured shall permit continuation of existing coverage for an unmarried child of an insured or enrollee who so elects, at least through the policy anniversary date on or after the date the child marries, ceases to be a resident of this state, or attains the age of twenty-five years old, whichever occurs first, or so long as the unmarried child maintains full-time status as a student in an accredited institution of postsecondary education.

Sec. 43. APPLICABILITY. This division of this Act applies to policies or contracts of accident and health insurance delivered or issued for delivery or continued or renewed in this state on or after July 1, 2008.

DIVISION VIII
MEDICAL HOME
DIVISION XXII
MEDICAL HOME

Sec. 44. NEW SECTION. 135.157 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the state board of health created pursuant to section 136.1.
2. "Department" means the department of public health.
3. "Health care professional" means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.
4. "Medical home" means a team approach to providing health care that originates in a primary care setting; fosters a partnership among the patient, the personal provider, and other health care professionals, and where appropriate, the patient's family; utilizes the partnership to access all medical and nonmedical health-related services needed by the patient and the patient's family to achieve maximum health potential; maintains a centralized, comprehensive record of all health-related services to promote continuity of care; and has all of the characteristics specified in section 135.158.

5. "National committee for quality assurance" means the nationally recognized, independent nonprofit organization that measures the quality and performance of health care and health care plans in the United States; provides accreditation, certification, and recognition programs for health care plans and programs; and is

recognized in Iowa as an accrediting organization for commercial and Medicaid-managed care organizations.

6. "Personal provider" means the patient's first point of contact in the health care system with a primary care provider who identifies the patient's health needs, and, working with a team of health care professionals, provides for and coordinates appropriate care to address the health needs identified.

7. "Primary care" means health care which emphasizes providing for a patient's general health needs and utilizes collaboration with other health care professionals and consultation or referral as appropriate to meet the needs identified.

8. "Primary care provider" means any of the following who provide primary care and meet certification standards:

a. A physician who is a family or general practitioner, a pediatrician, an internist, an obstetrician, or a gynecologist.

b. An advanced registered nurse practitioner.

c. A physician assistant.

d. A chiropractor licensed pursuant to chapter 151.

Sec. 45. NEW SECTION. 135.158 MEDICAL HOME PURPOSES – CHARACTERISTICS.

1. The purposes of a medical home are the following:

a. To reduce disparities in health care access, delivery, and health care outcomes.

b. To improve quality of health care and lower health care costs, thereby creating savings to allow more Iowans to have health care coverage and to provide for the sustainability of the health care system.

c. To provide a tangible method to document if each Iowan has access to health care.

2. A medical home has all of the following characteristics:

a. A personal provider. Each patient has an ongoing relationship with a personal provider trained to provide first contact and continuous and comprehensive care.

b. A provider-directed medical practice. The personal provider leads a team of individuals at the practice level who collectively take responsibility for the ongoing health care of patients.

c. Whole person orientation. The personal provider is responsible for providing for all of a patient's health care needs or taking responsibility for appropriately arranging health care by other qualified health care professionals. This responsibility includes health care at all stages of life including provision of acute care, chronic care, preventive services, and end-of-life care.

d. Coordination and integration of care. Care is coordinated and integrated across all elements of the complex health care system and the patient's community. Care is facilitated by registries, information technology, health information exchanges, and other means to assure that patients receive the indicated care when and where they need and want the care in a culturally and linguistically appropriate manner.

e. Quality and safety. The following are quality and safety components of the medical home:

(1) Provider-directed medical practices advocate for their patients to support the attainment of optimal, patient-centered outcomes that are defined by a care planning process driven by a compassionate, robust partnership between providers, the patient, and the patient's family.

(2) Evidence-based medicine and clinical decision-support tools guide decision making.

(3) Providers in the medical practice accept accountability for continuous quality improvement through voluntary engagement in performance measurement and improvement.

(4) Patients actively participate in decision making and feedback is sought to ensure that the patients' expectations are being met.

(5) Information technology is utilized appropriately to support optimal patient care, performance measurement, patient education, and enhanced communication.

(6) Practices participate in a voluntary recognition process conducted by an appropriate nongovernmental entity to demonstrate that the practice has the capabilities to provide patient-centered services consistent with the medical home model.

(7) Patients and families participate in quality improvement activities at the practice level.

f. Enhanced access to health care. Enhanced access to health care is available through systems such as open scheduling, expanded hours, and new options for communication between the patient, the patient's personal provider, and practice staff.

g. Payment. The payment system appropriately recognizes the added value provided to patients who have a patient-centered medical home. The payment structure framework of the medical home provides all of the following:

(1) Reflects the value of provider and nonprovider staff and patient-centered care management work that is in addition to the face-to-face visit.

(2) Pays for services associated with coordination of health care both within a given practice and between consultants, ancillary providers, and community resources.

(3) Supports adoption and use of health information technology for quality improvement.

(4) Supports provision of enhanced communication access such as secure electronic mail and telephone consultation.

(5) Recognizes the value of provider work associated with remote monitoring of clinical data using technology.

(6) Allows for separate fee-for-service payments for face-to-face visits. Payments for health care management services that are in addition to the face-to-face visit do not result in a reduction in the payments for face-to-face visits.

(7) Recognizes case mix differences in the patient population being treated within the practice.

(8) Allows providers to share in savings from reduced hospitalizations associated with provider-guided health care management in the office setting.

(9) Allows for additional payments for achieving measurable and continuous quality improvements.

Sec. 46. NEW SECTION. 135.159 MEDICAL HOME SYSTEM – ADVISORY COUNCIL – DEVELOPMENT AND IMPLEMENTATION.

1. The department shall administer the medical home system. The department shall adopt rules pursuant to chapter 17A necessary to administer the medical home system.

2. a. The department shall establish an advisory council which shall include but is not limited to all of the following members, selected by their respective organizations, and any other members the department determines necessary to assist in the department's duties at various stages of development of the medical home system:

(1) The director of human services, or the director's designee.

(2) The commissioner of insurance, or the commissioner's designee.

(3) A representative of the federation of Iowa insurers.

(4) A representative of the Iowa dental association.

(5) A representative of the Iowa nurses association.

(6) A physician licensed pursuant to chapter 148 and a physician licensed pursuant to chapter 150 who are family physicians and members of the Iowa academy of family physicians.

(7) A health care consumer.

(8) A representative of the Iowa collaborative safety net provider network established pursuant to section 135.153.

(9) A representative of the governor's developmental disabilities council.

(10) A representative of the Iowa chapter of the American academy of pediatrics.

(11) A representative of the child and family policy center.

(12) A representative of the Iowa pharmacy association.

(13) A representative of the Iowa chiropractic society.

(14) A representative of the university of Iowa college of public health.

b. Public members of the advisory council shall receive reimbursement for actual expenses incurred while serving in their official capacity only if they are not eligible for reimbursement by the organization that they represent.

3. The department shall develop a plan for implementation of a statewide medical home system. The department, in collaboration with parents, schools, communities, health plans, and providers, shall endeavor to increase healthy outcomes for children and adults by linking the children and adults with a medical home, identifying health improvement goals for children and adults, and linking reimbursement strategies to increasing healthy outcomes for children and adults. The plan shall provide that the medical home system shall do all of the following:

a. Coordinate and provide access to evidence-based health care services, emphasizing convenient, comprehensive primary care and including preventive, screening, and well-child health services.

b. Provide access to appropriate specialty care and inpatient services.

c. Provide quality-driven and cost-effective health care.

d. Provide access to pharmacist-delivered medication reconciliation and medication therapy management services, where appropriate.

e. Promote strong and effective medical management including but not limited to planning treatment strategies, monitoring health outcomes and resource use, sharing information, and organizing care to avoid duplication of service. The plan shall provide that in sharing information, the priority shall be the protection of the privacy of individuals and the security and confidentiality of the individual's information. Any sharing of information required by the medical home system shall comply and be consistent with all existing state and federal laws and regulations relating to the confidentiality of health care information and shall be subject to written consent of the patient.

f. Emphasize patient and provider accountability.

g. Prioritize local access to the continuum of health care services in the most appropriate setting.

h. Establish a baseline for medical home goals and establish performance measures that indicate a child or adult has an established and effective medical home. For children, these goals and performance measures may include but are not limited to childhood immunizations rates, well-child care utilization rates, care management for children with chronic illnesses, emergency room utilization, and oral health service utilization.

i. For children, coordinate with and integrate guidelines, data, and information from existing newborn and child health programs and entities, including but not limited to the healthy opportunities to experience, success-healthy families Iowa

program, the community empowerment program, the center for congenital and inherited disorders screening and health care programs, standards of care for pediatric health guidelines, the office of multicultural health established in section 135.12, the oral health bureau established in section 135.15, and other similar programs and services.

4. The department shall develop an organizational structure for the medical home system in this state. The organizational structure plan shall integrate existing resources, provide a strategy to coordinate health care services, provide for monitoring and data collection on medical homes, provide for training and education to health care professionals and families, and provide for transition of children to the adult medical care system. The organizational structure may be based on collaborative teams of stakeholders throughout the state such as local public health agencies, the collaborative safety net provider network established in section 135.153, or a combination of statewide organizations. Care coordination may be provided through regional offices or through individual provider practices. The organizational structure may also include the use of telemedicine resources, and may provide for partnering with pediatric and family practice residency programs to improve access to preventive care for children. The organizational structure shall also address the need to organize and provide health care to increase accessibility for patients including using venues more accessible to patients and having hours of operation that are conducive to the population served.

5. The department shall adopt standards and a process to certify medical homes based on the national committee for quality assurance standards. The certification process and standards shall provide mechanisms to monitor performance and to evaluate, promote, and improve the quality of health of and health care delivered to patients through a medical home. The mechanism shall require participating providers to monitor clinical progress and performance in meeting applicable standards and to provide information in a form and manner specified by the department. The evaluation mechanism shall be developed with input from consumers, providers, and payers. At a minimum the evaluation shall determine any increased quality in health care provided and any decrease in cost resulting from the medical home system compared with other health care delivery systems. The standards and process shall also include a mechanism for other ancillary service providers to become affiliated with a certified medical home.

6. The department shall adopt education and training standards for health care professionals participating in the medical home system.

7. The department shall provide for system simplification through the use of universal referral forms, internet-based tools for providers, and a central medical home internet site for providers.

8. The department shall recommend a reimbursement methodology and incentives for participation in the medical home system to ensure that providers enter and remain participating in the system. In developing the recommendations for incentives, the department shall consider, at a minimum, providing incentives to promote wellness, prevention, chronic care management, immunizations, health care management, and the use of electronic health records. In developing the recommendations for the reimbursement system, the department shall analyze, at a minimum, the feasibility of all of the following:

a. Reimbursement under the medical assistance program to promote wellness and prevention, provide care coordination, and provide chronic care management.

b. Increasing reimbursement to Medicare levels for certain wellness and prevention services, chronic care management, and immunizations.

c. Providing reimbursement for primary care services by addressing the disparities between reimbursement for specialty services and primary care services.

d. Increased funding for efforts to transform medical practices into certified medical homes, including emphasizing the implementation of the use of electronic health records.

e. Targeted reimbursement to providers linked to health care quality improvement measures established by the department.

f. Reimbursement for specified ancillary support services such as transportation for medical appointments and other such services.

g. Providing reimbursement for medication reconciliation and medication therapy management service, where appropriate.

9. The department shall coordinate the requirements and activities of the medical home system with the requirements and activities of the dental home for children as described in section 249J.14, subsection 7, and shall recommend financial incentives for dentists and nondental providers to promote oral health care coordination through preventive dental intervention, early identification of oral disease risk, health care coordination and data tracking, treatment, chronic care management, education and training, parental guidance, and oral health promotions for children.

10. The department shall integrate the recommendations and policies developed by the prevention and chronic care management advisory council into the medical home system.

11. Implementation phases.

a. Initial implementation shall require participation in the medical home system of children who are recipients of full benefits under the medical assistance program. The department shall work with the department of human services and shall recommend to the general assembly a reimbursement methodology to compensate providers participating under the medical assistance program for participation in the medical home system.

b. The department shall work with the department of human services to expand the medical home system to adults who are recipients of full benefits under the medical assistance program and the expansion population under the IowaCare program. The department shall work with the centers for Medicare and Medicaid services of the United States department of health and human services to allow Medicare recipients to utilize the medical home system.

c. The department shall work with the department of administrative services to allow state employees to utilize the medical home system.

d. The department shall work with insurers and self-insured companies, if requested, to make the medical home system available to individuals with private health care coverage.

12. The department shall provide oversight for all certified medical homes. The department shall review the progress of the medical home system and recommend improvements to the system, as necessary.

3. The department shall annually evaluate the medical home system and make recommendations to the governor and the general assembly regarding improvements to and continuation of the system.

14. Recommendations and other activities resulting from the duties authorized for the department under this section shall require approval by the board prior to any subsequent action or implementation.

Sec. 47. Section 136.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Perform those duties authorized pursuant to section 135.159.

Sec. 48. Section 249J.14, subsection 7, Code 2007, is amended to read as follows:

7. DENTAL HOME FOR CHILDREN. By ~~July 1, 2008~~ December 31, 2010, every recipient of medical assistance who is a child twelve years of age or younger shall have a designated dental home and shall be provided with the dental screenings, ~~and preventive care identified in the oral health standards services, diagnostic services, treatment services, and emergency services as defined~~ under the early and periodic screening, diagnostic, and treatment program.

Sec. 49. MEDICAL HOME SYSTEM – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For activities associated with the medical home system requirements of this division and for not more than the following full-time equivalent positions:

..... \$ 165,600
..... FTEs 4.00

DIVISION IX
PREVENTION AND CHRONIC CARE MANAGEMENT
DIVISION XXIII
PREVENTION AND CHRONIC CARE MANAGEMENT

Sec. 50. NEW SECTION. 135.160 DEFINITIONS.

For the purpose of this division, unless the context otherwise requires:

1. "Board" means the state board of health created pursuant to section 136.1.
2. "Chronic care" means health care services provided by a health care professional for an established clinical condition that is expected to last a year or more and that requires ongoing clinical management attempting to restore the individual to highest function, minimize the negative effects of the chronic condition, and prevent complications related to the chronic condition.
3. "Chronic care information system" means approved information technology to enhance the development and communication of information to be used in providing chronic care, including clinical, social, and economic outcomes of chronic care.
4. "Chronic care management" means a system of coordinated health care interventions and communications for individuals with chronic conditions, including significant patient self-care efforts, systemic supports for the health care professional and patient relationship, and a chronic care plan emphasizing prevention of complications utilizing evidence-based practice guidelines, patient empowerment strategies, and evaluation of clinical, humanistic, and economic outcomes on an ongoing basis with the goal of improving overall health.
5. "Chronic care plan" means a plan of care between an individual and the individual's principal health care professional that emphasizes prevention of complications through patient empowerment including but not limited to providing incentives to engage the patient in the patient's own care and in clinical, social, or other interventions designed to minimize the negative effects of the chronic condition.
6. "Chronic care resources" means health care professionals, advocacy groups, health departments, schools of public health and medicine, health plans, and others with expertise in public health, health care delivery, health care financing, and health care research.
7. "Chronic condition" means an established clinical condition that is expected to last a year or more and that requires ongoing clinical management.
8. "Department" means the department of public health.

9. "Director" means the director of public health.

10. "Eligible individual" means a resident of this state who has been diagnosed with a chronic condition or is at an elevated risk for a chronic condition and who is a recipient of medical assistance, is a member of the expansion population pursuant to chapter 249J, or is an inmate of a correctional institution in this state.

11. "Health care professional" means health care professional as defined in section 135.157.

12. "Health risk assessment" means screening by a health care professional for the purpose of assessing an individual's health, including tests or physical examinations and a survey or other tool used to gather information about an individual's health, medical history, and health risk factors during a health screening.

Sec. 51. NEW SECTION. 135.161 PREVENTION AND CHRONIC CARE MANAGEMENT INITIATIVE – ADVISORY COUNCIL.

1. The director, in collaboration with the prevention and chronic care management advisory council, shall develop a state initiative for prevention and chronic care management. The state initiative consists of the state's plan for developing a chronic care organizational structure for prevention and chronic care management, including coordinating the efforts of health care professionals and chronic care resources to promote the health of residents and the prevention and management of chronic conditions, developing and implementing arrangements for delivering prevention services and chronic care management, developing significant patient self-care efforts, providing systemic support for the health care professional-patient relationship and options for channeling chronic care resources and support to health care professionals, providing for community development and outreach and education efforts, and coordinating information technology initiatives with the chronic care information system. 2. The director may accept grants and donations and shall apply for any federal, state, or private grants available to fund the initiative. Any grants or donations received shall be placed in a separate fund in the state treasury and used exclusively for the initiative or as federal law directs.

3. a. The director shall establish and convene an advisory council to provide technical assistance to the director in developing a state initiative that integrates evidence-based prevention and chronic care management strategies into the public and private health care systems, including the medical home system. Public members of the advisory council shall receive their actual and necessary expenses incurred in the performance of their duties and may be eligible to receive compensation as provided in section 7E.6.

b. The advisory council shall elicit input from a variety of health care professionals, health care professional organizations, community and nonprofit groups, insurers, consumers, businesses, school districts, and state and local governments in developing the advisory council's recommendations.

c. The advisory council shall submit initial recommendations to the director for the state initiative for prevention and chronic care management no later than July 1, 2009. The recommendations shall address all of the following:

(1) The recommended organizational structure for integrating prevention and chronic care management into the private and public health care systems. The organizational structure recommended shall align with the organizational structure established for the medical home system developed pursuant to division XXII. The advisory council shall also review existing prevention and chronic care management strategies used in the health insurance market and in private and public programs and recommend ways to expand the use of such strategies throughout the health insurance market and in the private and public health care systems.

(2) A process for identifying leading health care professionals and existing prevention and chronic care management programs in the state, and coordinating care among these health care professionals and programs.

(3) A prioritization of the chronic conditions for which prevention and chronic care management services should be provided, taking into consideration the prevalence of specific chronic conditions and the factors that may lead to the development of chronic conditions; the fiscal impact to state health care programs of providing care for the chronic conditions of eligible individuals; the availability of workable, evidence-based approaches to chronic care for the chronic condition; and public input into the selection process. The advisory council shall initially develop consensus guidelines to address the two chronic conditions identified as having the highest priority and shall also specify a timeline for inclusion of additional specific chronic conditions in the initiative.

(4) A method to involve health care professionals in identifying eligible patients for prevention and chronic care management services, which includes but is not limited to the use of a health risk assessment.

(5) The methods for increasing communication between health care professionals and patients, including patient education, patient self-management, and patient follow-up plans.

(6) The educational, wellness, and clinical management protocols and tools to be used by health care professionals, including management guideline materials for health care delivery.

(7) The use and development of process and outcome measures and benchmarks, aligned to the greatest extent possible with existing measures and benchmarks such as the best in class estimates utilized in the national healthcare quality report of the agency for health care research and quality of the United States department of health and human services, to provide performance feedback for health care professionals and information on the quality of health care, including patient satisfaction and health status outcomes.

(8) Payment methodologies to align reimbursements and create financial incentives and rewards for health care professionals to utilize prevention services, establish management systems for chronic conditions, improve health outcomes, and improve the quality of health care, including case management fees, payment for technical support and data entry associated with patient registries, and the cost of staff coordination within a medical practice.

(9) Methods to involve public and private groups, health care professionals, insurers, third-party administrators, associations, community and consumer groups, and other entities to facilitate and sustain the initiative.

(10) Alignment of any chronic care information system or other information technology needs with other health care information technology initiatives.

(11) Involvement of appropriate health resources and public health and outcomes researchers to develop and implement a sound basis for collecting data and evaluating the clinical, social, and economic impact of the initiative, including a determination of the impact on expenditures and prevalence and control of chronic conditions.

(12) Elements of a marketing campaign that provides for public outreach and consumer education in promoting prevention and chronic care management strategies among health care professionals, health insurers, and the public.

(13) A method to periodically determine the percentage of health care professionals who are participating, the success of the empowerment-of-patients approach, and any results of health outcomes of the patients participating.

(14) A means of collaborating with the health professional licensing boards pursuant to chapter 147 to review prevention and chronic care management education provided to licensees, as appropriate, and recommendations regarding education resources and curricula for integration into existing and new education and training programs.

4. Following submission of initial recommendations to the director for the state initiative for prevention and chronic care management by the advisory council, the director shall submit the state initiative to the board for approval. Subject to approval of the state initiative by the board, the department shall initially implement the state initiative among the population of eligible individuals. Following initial implementation, the director shall work with the department of human services, insurers, health care professional organizations, and consumers in implementing the initiative beyond the population of eligible individuals as an integral part of the health care delivery system in the state. The advisory council shall continue to review and make recommendations to the director regarding improvements to the initiative. Any recommendations are subject to approval by the board.

Sec. 52. NEW SECTION. 135.162 CLINICIANS ADVISORY PANEL.

1. The director shall convene a clinicians advisory panel to advise and recommend to the department clinically appropriate, evidence-based best practices regarding the implementation of the medical home as defined in section 135.157 and the prevention and chronic care management initiative pursuant to section 135.161. The director shall act as chairperson of the advisory panel.

2. The clinicians advisory panel shall consist of nine members representing licensed medical health care providers selected by their respective professional organizations. Terms of members shall begin and end as provided in section 69.19. Any vacancy shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term. Members shall serve terms of three years. A member is eligible for reappointment for three successive terms.

3. The clinicians advisory panel shall meet on a quarterly basis to receive updates from the director regarding strategic planning and implementation progress on the medical home and the prevention and chronic care management initiative and shall provide clinical consultation to the department regarding the medical home and the initiative.

Sec. 53. Section 136.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Perform those duties authorized pursuant to section 135.161.

Sec. 54. PREVENTION AND CHRONIC CARE MANAGEMENT – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For activities associated with the prevention and chronic care management requirements of this division:

..... \$ 190,500

DIVISION X

FAMILY OPPORTUNITY ACT

Sec. 55. 2007 Iowa Acts, chapter 218, section 126, subsection 1, is amended to read as follows:

1. The provision in this division of this Act relating to eligibility for certain persons with disabilities under the medical assistance program shall ~~only~~ be implemented ~~if~~

~~the department of human services determines that funding is available in appropriations made in this Act, in combination with federal allocations to the state, for the state children's health insurance program, in excess of the amount needed to cover the current and projected enrollment under the state children's health insurance program beginning January 1, 2009. If such a determination is made, the department of human services shall transfer funding from the appropriations made in this Act for the state children's health insurance program, not otherwise required for that program, to the appropriations made in this Act for medical assistance, as necessary, to implement such provision of this division of this Act.~~

DIVISION XI

MEDICAL ASSISTANCE QUALITY IMPROVEMENT

Sec. 56. NEW SECTION. 249A.36 MEDICAL ASSISTANCE QUALITY IMPROVEMENT COUNCIL.

1. A medical assistance quality improvement council is established. The council shall evaluate the clinical outcomes and satisfaction of consumers and providers with the medical assistance program. The council shall coordinate efforts with the cost and quality performance evaluation completed pursuant to section 249J.16.

2. a. The council shall consist of seven voting members appointed by the majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house of representatives. At least one member of the council shall be a consumer and at least one member shall be a medical assistance program provider. An individual who is employed by a private or nonprofit organization that receives one million dollars or more in compensation or reimbursement from the department, annually, is not eligible for appointment to the council. The members shall serve terms of two years beginning and ending as provided in section 69.19, and appointments shall comply with sections 69.16 and 69.16A. Members shall receive reimbursement for actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6. Vacancies shall be filled by the original appointing authority and in the manner of the original appointment. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term.

b. The members shall select a chairperson, annually, from among the membership. The council shall meet at least quarterly and at the call of the chairperson. A majority of the members of the council constitutes a quorum. Any action taken by the council must be adopted by the affirmative vote of a majority of its voting membership.

c. The department shall provide administrative support and necessary supplies and equipment for the council.

3. The council shall consult with and advise the Iowa Medicaid enterprise in establishing a quality assessment and improvement process.

a. The process shall be consistent with the health plan employer data and information set developed by the national committee for quality assurance and with the consumer assessment of health care providers and systems developed by the agency for health care research and quality of the United States department of health and human services. The council shall also coordinate efforts with the Iowa healthcare collaborative and the state's Medicare quality improvement organization to create consistent quality measures.

b. The process may utilize as a basis the medical assistance and state children's health insurance quality improvement efforts of the centers for Medicare and Medicaid services of the United States department of health and human services.

c. The process shall include assessment and evaluation of both managed care and fee-for-service programs, and shall be applicable to services provided to adults and children.

d. The initial process shall be developed and implemented by December 31, 2008, with the initial report of results to be made available to the public by June 30, 2009. Following the initial report, the council shall submit a report of results to the governor and the general assembly, annually, in January.

DIVISION XII HEALTH AND LONG-TERM CARE ACCESS

DIVISION XXIV

Sec. 57. NEW SECTION. 135.163 HEALTH AND LONG-TERM CARE ACCESS.

The department shall coordinate public and private efforts to develop and maintain an appropriate health care delivery infrastructure and a stable, well-qualified, diverse, and sustainable health care workforce in this state. The health care delivery infrastructure and the health care workforce shall address the broad spectrum of health care needs of Iowans throughout their lifespan including long-term care needs. The department shall, at a minimum, do all of the following:

1. Develop a strategic plan for health care delivery infrastructure and health care workforce resources in this state.

2. Provide for the continuous collection of data to provide a basis for health care strategic planning and health care policymaking.

3. Make recommendations regarding the health care delivery infrastructure and the health care workforce that assist in monitoring current needs, predicting future trends, and informing policymaking.

Sec. 58. NEW SECTION. 135.164 STRATEGIC PLAN.

1. The strategic plan for health care delivery infrastructure and health care workforce resources shall describe the existing health care system, describe and provide a rationale for the desired health care system, provide an action plan for implementation, and provide methods to evaluate the system. The plan shall incorporate expenditure control methods and integrate criteria for evidence-based health care. The department shall do all of the following in developing the strategic plan for health care delivery infrastructure and health care workforce resources:

a. Conduct strategic health planning activities related to preparation of the strategic plan.

b. Develop a computerized system for accessing, analyzing, and disseminating data relevant to strategic health planning. The department may enter into data sharing agreements and contractual arrangements necessary to obtain or disseminate relevant data.

c. Conduct research and analysis or arrange for research and analysis projects to be conducted by public or private organizations to further the development of the strategic plan.

d. Establish a technical advisory committee to assist in the development of the strategic plan. The members of the committee may include but are not limited to health economists, representatives of the university of Iowa college of public health, health planners, representatives of health care purchasers, representatives of state and local agencies that regulate entities involved in health care, representatives of health care providers and health care facilities, and consumers.

2. The strategic plan shall include statewide health planning policies and goals related to the availability of health care facilities and services, the quality of care, and the cost of care. The policies and goals shall be based on the following principles:

a. That a strategic health planning process, responsive to changing health and social needs and conditions, is essential to the health, safety, and welfare of Iowans.

The process shall be reviewed and updated as necessary to ensure that the strategic plan addresses all of the following:

- (1) Promoting and maintaining the health of all Iowans.
- (2) Providing accessible health care services through the maintenance of an adequate supply of health facilities and an adequate workforce.
- (3) Controlling excessive increases in costs.
- (4) Applying specific quality criteria and population health indicators.
- (5) Recognizing prevention and wellness as priorities in health care programs to improve quality and reduce costs.
- (6) Addressing periodic priority issues including disaster planning, public health threats, and public safety dilemmas.
- (7) Coordinating health care delivery and resource development efforts among state agencies including those tasked with facility, services, and professional provider licensure; state and federal reimbursement; health service utilization data systems; and others.

(8) Recognizing long-term care as an integral component of the health care delivery infrastructure and as an essential service provided by the health care workforce.

b. That both consumers and providers throughout the state must be involved in the health planning process, outcomes of which shall be clearly articulated and available for public review and use.

c. That the supply of a health care service has a substantial impact on utilization of the service, independent of the effectiveness, medical necessity, or appropriateness of the particular health care service for a particular individual.

d. That given that health care resources are not unlimited, the impact of any new health care service or facility on overall health expenditures in this state must be considered.

e. That excess capacity of health care services and facilities places an increased economic burden on the public.

f. That the likelihood that a requested new health care facility, service, or equipment will improve health care quality and outcomes must be considered.

g. That development and ongoing maintenance of current and accurate health care information and statistics related to cost and quality of health care and projections of the need for health care facilities and services are necessary to developing an effective health care planning strategy.

h. That the certificate of need program as a component of the health care planning regulatory process must balance considerations of access to quality care at a reasonable cost for all Iowans, optimal use of existing health care resources, fostering of expenditure control, and elimination of unnecessary duplication of health care facilities and services, while supporting improved health care outcomes.

i. That strategic health care planning must be concerned with the stability of the health care system, encompassing health care financing, quality, and the availability of information and services for all residents.

3. The health care delivery infrastructure and health care workforce resources strategic plan developed by the department shall include all of the following:

a. A health care system assessment and objectives component that does all of the following:

(1) Describes state and regional population demographics, health status indicators, and trends in health status and health care needs.

(2) Identifies key policy objectives for the state health care system related to access to care, health care outcomes, quality, and cost-effectiveness.

b. A health care facilities and services plan that assesses the demand for health care facilities and services to inform state health care planning efforts and direct

certificate of need determinations, for those facilities and services subject to certificate of need. The plan shall include all of the following:

(1) An inventory of each geographic region's existing health care facilities and services.

(2) Projections of the need for each category of health care facility and service, including those subject to certificate of need.

(3) Policies to guide the addition of new or expanded health care facilities and services to promote the use of quality, evidence-based, cost-effective health care delivery options, including any recommendations for criteria, standards, and methods relevant to the certificate of need review process.

(4) An assessment of the availability of health care providers, public health resources, transportation infrastructure, and other considerations necessary to support the needed health care facilities and services in each region.

c. A health care data resources plan that identifies data elements necessary to properly conduct planning activities and to review certificate of need applications, including data related to inpatient and outpatient utilization and outcomes information, and financial and utilization information related to charity care, quality, and cost. The plan shall provide all of the following:

(1) An inventory of existing data resources, both public and private, that store and disclose information relevant to the health care planning process, including information necessary to conduct certificate of need activities. The plan shall identify any deficiencies in the inventory of existing data resources and the data necessary to conduct comprehensive health care planning activities. The plan may recommend that the department be authorized to access existing data sources and conduct appropriate analyses of such data or that other agencies expand their data collection activities as statutory authority permits. The plan may identify any computing infrastructure deficiencies that impede the proper storage, transmission, and analysis of health care planning data.

(2) Recommendations for increasing the availability of data related to health care planning to provide greater community involvement in the health care planning process and consistency in data used for certificate of need applications and determinations. The plan shall also integrate the requirements for annual reports by hospitals and health care facilities pursuant to section 135.75, the provisions relating to analyses and studies by the department pursuant to section 135.76, the data compilation provisions of section 135.78, and the provisions for contracts for assistance with analyses, studies, and data pursuant to section 135.83.

d. An assessment of emerging trends in health care delivery and technology as they relate to access to health care facilities and services, quality of care, and costs of care. The assessment shall recommend any changes to the scope of health care facilities and services covered by the certificate of need program that may be warranted by these emerging trends. In addition, the assessment may recommend any changes to criteria used by the department to review certificate of need applications, as necessary.

e. A rural health care resources plan to assess the availability of health resources in rural areas of the state, assess the unmet needs of these communities, and evaluate how federal and state reimbursement policies can be modified, if necessary, to more efficiently and effectively meet the health care needs of rural communities. The plan shall consider the unique health care needs of rural communities, the adequacy of the rural health care workforce, and transportation needs for accessing appropriate care.

f. A health care workforce resources plan to assure a competent, diverse, and sustainable health care workforce in Iowa and to improve access to health care in underserved areas and among underserved populations. The plan shall include the establishment of an advisory council to inform and advise the department and

policymakers regarding issues relevant to the health care workforce in Iowa. The health care workforce resources plan shall recognize long-term care as an essential service provided by the health care workforce.

4. The department shall submit the initial statewide health care delivery infrastructure and resources strategic plan to the governor and the general assembly by January 1, 2010, and shall submit an updated strategic plan to the governor and the general assembly every two years thereafter.

Sec. 59. HEALTH CARE ACCESS – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For activities associated with the health care access requirements of this division, and for not more than the following full-time equivalent positions:

.....	\$ 172,200
.....	FTEs 3.00

DIVISION XIII PREVENTION AND WELLNESS INITIATIVES

Sec. 60. Section 135.27, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

135.27 IOWA HEALTHY COMMUNITIES INITIATIVE – GRANT PROGRAM.

1. PROGRAM GOALS. The department shall establish a grant program to energize local communities to transform the existing culture into a culture that promotes healthy lifestyles and leads collectively, community by community, to a healthier state. The grant program shall expand an existing healthy communities initiative to assist local boards of health, in collaboration with existing community resources, to build community capacity in addressing the prevention of chronic disease that results from risk factors including overweight and obesity conditions.

2. DISTRIBUTION OF GRANTS. The department shall distribute the grants on a competitive basis and shall support the grantee communities in planning and developing wellness strategies and establishing methodologies to sustain the strategies. Grant criteria shall be consistent with the existing statewide initiative between the department and the department's partners that promotes increased opportunities for physical activity and healthy eating for Iowans of all ages, or its successor, and the statewide comprehensive plan developed by the existing statewide initiative to increase physical activity, improve nutrition, and promote healthy behaviors. Grantees shall demonstrate an ability to maximize local, state, and federal resources effectively and efficiently.

3. DEPARTMENTAL SUPPORT. The department shall provide support to grantees including capacity-building strategies, technical assistance, consultation, and ongoing evaluation.

4. ELIGIBILITY. Local boards of health representing a coalition of health care providers and community and private organizations are eligible to submit applications.

Sec. 61. NEW SECTION. 135.27A GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND NUTRITION.

1. A governor's council on physical fitness and nutrition is established consisting of twelve members appointed by the governor who have expertise in physical activity, physical fitness, nutrition, and promoting healthy behaviors. At least one member shall be a representative of elementary and secondary physical education professionals, at least one member shall be a health care professional, at least one member shall be a registered dietician, at least one member shall be recommended by the department of elder affairs, and at least one member shall be an active nutrition or fitness professional. In addition, at least one member shall be a member of a racial or ethnic minority. The governor shall select a chairperson for the council. Members shall serve

terms of three years beginning and ending as provided in section 69.19. Appointments are subject to sections 69.16 and 69.16A. Members are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties. A member of the council may also be eligible to receive compensation as provided in section 7E.6.

2. The council shall assist in developing a strategy for implementation of the statewide comprehensive plan developed by the existing statewide initiative to increase physical activity, improve physical fitness, improve nutrition, and promote healthy behaviors. The strategy shall include specific components relating to specific populations and settings including early childhood, educational, local community, worksite wellness, health care, and older Iowans. The initial draft of the implementation plan shall be submitted to the governor and the general assembly by December 1, 2008.

3. The council shall assist the department in establishing and promoting a best practices internet site. The internet site shall provide examples of wellness best practices for individuals, communities, workplaces, and schools and shall include successful examples of both evidence-based and nonscientific programs as a resource.

4. The council shall provide oversight for the governor's physical fitness challenge. The governor's physical fitness challenge shall be administered by the department and shall provide for the establishment of partnerships with communities or school districts to offer the physical fitness challenge curriculum to elementary and secondary school students. The council shall develop the curriculum, including benchmarks and rewards, for advancing the school wellness policy through the challenge.

Sec. 62. IOWA HEALTHY COMMUNITIES INITIATIVE – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For Iowa healthy communities initiative grants distributed beginning January 1, 2009, and for not more than the following full-time equivalent positions:

..... \$ 900,000
..... FTEs 3.00

Sec. 63. GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND NUTRITION – APPROPRIATION. There is appropriated from the general fund of the state to the department of public health for the fiscal period beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, for the purpose designated:

For the governor's council on physical fitness:

..... \$ 112,100

Sec. 64. SMALL BUSINESS QUALIFIED WELLNESS PROGRAM TAX CREDIT – PLAN. The department of public health, in consultation with the insurance division of the department of commerce and the department of revenue, shall develop a plan to provide a tax credit to small businesses that provide qualified wellness programs to improve the health of their employees. The plan shall include specification of what constitutes a small business for the purposes of the qualified wellness program, the minimum standards for use by a small business in establishing a qualified wellness program, the criteria and a process for certification of a small business qualified wellness program, and the process for claiming a small business qualified wellness program tax credit. The department of public health shall submit the plan including any recommendations for changes in law to implement a small business qualified wellness program tax credit to the governor and the general assembly by December 15, 2008.

HEALTH CARE TRANSPARENCY
DIVISION XXV
HEALTH CARE TRANSPARENCY

Sec. 65. NEW SECTION. 135.165 HEALTH CARE TRANSPARENCY – REPORTING REQUIREMENTS – HOSPITALS AND NURSING FACILITIES.

Each hospital and nursing facility in this state that is recognized by the Internal Revenue Code as a nonprofit organization or entity shall submit to the department of public health and the legislative services agency, annually, a copy of the hospital's internal revenue service form 990, including but not limited to schedule J or any successor schedule that provides compensation information for certain officers, directors, trustees, and key employees, information about the highest compensated employees, and information regarding revenues, expenses, excess or surplus revenues, and reserves within ninety days following the due date for filing the hospital's or nursing facility's return for the taxable year.

Sec. 66. Section 136.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 14. To the greatest extent possible integrate the efforts of the governing entities of the Iowa health information technology system pursuant to division XXI, the medical home pursuant to division XXII, the prevention and chronic care management initiative pursuant to division XXIII, and health and long-term care access pursuant to division XXIV.

Sec. 67. HEALTH CARE QUALITY AND COST TRANSPARENCY – WORKGROUP.

1. A health care quality and cost transparency workgroup is created to develop recommendations for legislation and policies regarding health care quality and cost including measures to be utilized in providing transparency to consumers of health care and health care coverage. Membership of the workgroup shall be determined by the legislative council in consultation with the chairpersons and ranking members of the joint appropriations subcommittee on health and human services and the chairpersons and ranking members of the committees on human resources of the senate and house of representatives. Membership of the workgroup shall include but is not limited to representatives of the Iowa healthcare collaborative, the department of public health, the department of human services, the insurance division of the department of commerce, the Iowa hospital association, the Iowa medical society, the Iowa health buyers alliance, the AARP Iowa chapter, the university of Iowa public policy center, and other interested consumers, advocates, purchasers, providers, and legislators. The legislative services agency shall provide staffing assistance to the workgroup.

2. The workgroup shall do all of the following:

a. Review the approaches of other states quality and cost in addressing health care transparency information.

b. Develop and compile recommendations and strategies to lower health care costs and health care coverage costs for consumers and businesses.

c. Make recommendations, including any necessary legislation, regarding reporting of health care quality and cost measures. The measures recommended for adoption shall be those measures endorsed by the national quality forum. However, if an area of measurement is deemed important by the workgroup, but the national quality forum has not endorsed such area of measurement, the workgroup may recommend, in order of priority, the measures of other national accreditation organizations such as the national committee for quality assurance, the joint commission, the centers for Medicare and Medicaid services of the United States department of health and human services, or the agency for healthcare research and quality. Any measure

recommended for adoption shall be evidence-based and clinically important, reasonably feasible to implement, and easily understood by the health care consumer.

d. Make recommendations regarding the collection and publishing of health care quality and cost measures. Measures shall be collected from health plans, hospitals, and physicians and published on a public internet site available to the general public. The recommendations shall include how the internet site will be maintained and utilization of a format to ensure that the information provided is understood by the health care consumer.

e. Submit a written report of all recommendations to the general assembly on or before December 15, 2008.

3. The legislative council, pursuant to its authority in section 2.42, may allocate to the workgroup funding from moneys available to it in section 2.12 for the purpose of providing expert support to the workgroup.

Sec. 68. EFFECTIVE DATE. The provision in this division of this Act creating a health care quality and cost transparency workgroup, being deemed of immediate importance, takes effect upon enactment.

DIVISION XV

DIRECT CARE WORKFORCE

Sec. 69. DIRECT CARE WORKER ADVISORY COUNCIL – DUTIES – REPORT.

1. As used in this section, unless the context otherwise requires:

a. "Department" means the department of public health.

b. "Direct care" means environmental or chore services, health monitoring and maintenance, assistance with instrumental activities of daily living, assistance with personal care activities of daily living, personal care support, or specialty skill services.

c. "Direct care worker" means an individual who directly provides or assists a consumer in the care of the consumer by providing direct care in a variety of settings which may or may not require supervision of the direct care worker, depending on the setting and the skills that the direct care workers possess, based on education or certification.

d. "Director" means the director of public health.

2. A direct care worker advisory council shall be appointed by the director and shall include representatives of direct care workers, consumers of direct care services, educators of direct care workers, other health professionals, employers of direct care workers, and appropriate state agencies.

3. Membership, terms of office, quorum, and expenses shall be determined by the director in accordance with the applicable provisions of section 135.11.

4. The direct care worker advisory council shall advise the director regarding regulation and certification of direct care workers, based on the work of the direct care workers task force established pursuant to 2005 Iowa Acts, chapter 88, and shall develop recommendations regarding but not limited to all of the following:

a. Direct care worker classifications based on functions and services provided by direct care workers.

b. Functions for each direct care worker classification.

c. An education and training orientation to be provided by employers.

d. Education and training requirements for each direct care worker classification.

e. The standard curriculum required for each direct care worker classification.

f. Education and training equivalency standards for each direct care worker classification.

g. Guidelines that allow individuals who are members of the direct care workforce prior to the date of required certification to be incorporated into the new regulatory system.

h. Continuing education requirements for each direct care worker classification.

- i. Standards for direct care worker educators and trainers.
 - j. Certification requirements for each direct care worker classification.
 - k. Protections for the title "certified direct care worker".
 - l. Standardized requirements for supervision of each direct care worker classification, as applicable, and the roles and responsibilities of supervisory positions.
 - m. Responsibility for maintenance of credentialing and continuing education and training.
 - n. Provision of information to income maintenance workers and case managers under the purview of the department of human services about the education and training requirements for direct care workers to provide the care and services to meet consumer needs.
5. The direct care worker advisory council shall report its recommendations to the director by November 30, 2008, including recommendations for any changes in law or rules necessary.

6. Implementation of certification of direct care workers shall begin July 1, 2009.

Sec. 70. DIRECT CARE WORKER COMPENSATION ADVISORY COMMITTEE – REVIEWS.

1. a. The general assembly recognizes that direct care workers play a vital role and make a valuable contribution in providing care to Iowans with a variety of needs in both institutional and home and community-based settings. Recruiting and retaining qualified, highly competent direct care workers is a challenge across all employment settings. High rates of employee vacancies and staff turnover threaten the ability of providers to achieve the core mission of providing safe and high quality support to Iowans.

b. It is the intent of the general assembly to address the long-term care workforce shortage and turnover rates in order to improve the quality of health care delivered in the long-term care continuum by reviewing wages and other compensation paid to direct care workers in the state.

c. It is the intent of the general assembly that the initial review of and recommendations for improving wages and other compensation paid to direct care workers focus on nonlicensed direct care workers in the nursing facility setting. However, following the initial review of wages and other compensation paid to direct care workers in the nursing facility setting, the department of human services shall convene subsequent advisory committees with appropriate representatives of public and private organizations and consumers to review the wages and other compensation paid to and turnover rates of the entire spectrum of direct care workers in the various settings in which they are employed as a means of demonstrating the general assembly's commitment to ensuring a stable and quality direct care workforce in this state.

2. The department of human services shall convene an initial direct care worker compensation advisory committee to develop recommendations for consideration by the general assembly during the 2009 legislative session regarding wages and other compensation paid to direct care workers in nursing facilities. The committee shall consist of the following members, selected by their respective organizations:

- a. The director of human services, or the director's designee.
- b. The director of public health, or the director's designee.
- c. The director of the department of elder affairs, or the director's designee.
- d. The director of the department of inspections and appeals, or the director's designee.
- e. A representative of the Iowa caregivers association.
- f. A representative of the Iowa health care association.
- g. A representative of the Iowa association of homes and services for the aging.

h. A representative of the AARP Iowa chapter.

3. The advisory committee shall also include two members of the senate and two members of the house of representatives, with not more than one member from each chamber being from the same political party. The legislative members shall serve in an ex officio, nonvoting capacity. The two senators shall be appointed respectively by the majority leader of the senate and the minority leader of the senate, and the two representatives shall be appointed respectively by the speaker of the house of representatives and the minority leader of the house of representatives.

4. Public members of the committee shall receive actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6. Legislative members of the committee are eligible for per diem and reimbursement of actual expenses as provided in section 2.10.

5. The department of human services shall provide administrative support to the committee and the director of human services or the director's designee shall serve as chairperson of the committee.

6. The department shall convene the committee no later than July 1, 2008. Prior to the initial meeting, the department of human services shall provide all members of the committee with a detailed analysis of trends in wages and other compensation paid to direct care workers.

7. The committee shall consider options related but not limited to all of the following:

a. The shortening of the time delay between a nursing facility's submittal of cost reports and receipt of the reimbursement based upon these cost reports.

b. The targeting of appropriations to provide increases in direct care worker compensation.

c. Creation of a nursing facility provider tax.

8. Any option considered by the committee shall be consistent with federal law and regulations.

9. Following its deliberations, the committee shall submit a report of its findings and recommendations regarding improvement in direct care worker wages and other compensation in the nursing facility setting to the governor and the general assembly no later than December 12, 2008.

10. For the purposes of the initial review, "direct care worker" means nonlicensed nursing facility staff who provide hands-on care including but not limited to certified nurse aides and medication aides.

Sec. 71. DIRECT CARE WORKER IN NURSING FACILITIES – TURNOVER REPORT. The department of human services shall modify the nursing facility cost reports utilized for the medical assistance program to capture data by the distinct categories of nonlicensed direct care workers and other employee categories for the purposes of documenting the turnover rates of direct care workers and other employees of nursing facilities. The department shall submit a report on an annual basis to the governor and the general assembly which provides an analysis of direct care worker and other nursing facility employee turnover by individual nursing facility, a comparison of the turnover rate in each individual nursing facility with the state average, and an analysis of any improvement or decline in meeting any accountability goals or other measures related to turnover rates. The annual reports shall also include any data available regarding turnover rate trends, and other information the department deems appropriate. The initial report shall be submitted no later than December 1, 2008, and subsequent reports shall be submitted no later than December 1, annually, thereafter.

Sec. 72. VOLUNTARY EMPLOYER-SPONSORED HEALTH CARE COVERAGE DEMONSTRATION PROJECT – DIRECT CARE WORKERS.

1. a. The department of human services in collaboration with the insurance division of the department of commerce shall design a demonstration project to provide a health care coverage premium assistance program for nonlicensed direct care workers. Participation in the demonstration project shall be offered to employers and nonlicensed direct care workers on a voluntary basis.

b. The department in collaboration with the division shall convene an advisory council consisting of representatives of the Iowa caregivers association, the Iowa child and family policy center, the Iowa association of homes and services for the aging, the Iowa health care association, the federation of Iowa insurers, the AARP Iowa chapter, the senior living coordinating unit, and other public and private entities with interest in the demonstration project to assist in designing the project. The department in collaboration with the division shall also review the experiences of other states and the medical assistance premium assistance program in designing the demonstration project.

c. The department and the division, in consultation with the advisory council, shall establish criteria to determine which nonlicensed direct care workers shall be eligible to participate in the demonstration project, the coverage and cost parameters of the health care coverage which an employer shall provide to be eligible for participation in the project, the minimum premium contribution required of an employer to be eligible for participation in the project, income eligibility parameters for direct care workers participating in the project, minimum hours of work required of an employee to be eligible for participation in the project, and maximum premium cost limits for an employee participating in the project.

d. The project design shall allow up to 250 direct care workers and their dependents to access health care coverage sponsored by the direct care worker's employer.

e. To the extent possible, the design of the demonstration project shall incorporate a medical home, wellness and prevention services, and chronic care management.

2. The department and the division shall submit the design for the demonstration project to the governor and the general assembly for review by December 15, 2008. If the general assembly enacts legislation to implement the demonstration project and appropriates funding for the demonstration project, the department in collaboration with the division shall implement the demonstration project for an initial two-year period.

Sec. 73. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment."

2. Title page, line 3, by striking the words "end-of-life care decision making" and inserting the following: "long-term living planning and patient autonomy in health care".

3. Title page, by striking lines 5 and 6 and inserting the following: "prevention and chronic care management,".

4. Title page, by striking line 8 and inserting the following: "transparency, health care access, the direct care workforce, making appropriations, and including effective date and applicability provisions."

The House stood at ease at 4:52 p.m., until the fall of the gavel.

The House resumed session at 5:16 p.m., Speaker pro-tempore Bukta in the chair.

LEAVE OF ABSENCE

Leave of absence were granted as follows:

Jacobs of Polk and Van Engelenhoven of Marion on request of Paulsen of Linn.

Smith of Marshall moved that the House adopt the conference committee report and the amendments contained therein:

The conference committee report was adopted.

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

On the question "Shall the bill pass?" ([H.F. 2539](#))

The ayes were, 93:

Abdul-Samad	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Boal
Chambers	Clute	Cohoon	Dandekar
Davitt	Deyoe	Dolecheck	Drake
Foege	Ford	Forristall	Frevert
Gaskill	Gayman	Gipp	Granzow
Grassley	Greiner	Heaton	Heddens
Hoffman	Horbach	Hunter	Huseman
Huser	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rants

Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Fossen	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Bukta, Presiding			

The nays were, 3:

Alons	De Boef	Raecker
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Absent or not voting, 4:

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

Appropriations Calendar

House File 2701, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions, was taken up for consideration.

Cohon of Des Moines offered the following amendment [H-8717](#) filed by him from the floor and moved its adoption:

[H-8717](#)

- 1 Amend [House File 2701](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 REBUILD IOWA INFRASTRUCTURE FUND
- 6 Section 1. There is appropriated from the rebuild
- 7 Iowa infrastructure fund to the following departments
- 8 and agencies for the fiscal year beginning July 1,
- 9 2008, and ending June 30, 2009, the following amounts,

10 or so much thereof as is necessary, to be used for the
 11 purposes designated:
 12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
 13 a. For routine maintenance of state buildings and
 14 facilities, notwithstanding section 8.57, subsection
 15 6, paragraph "c":
 16 \$3,000,000
 17 b. For updating the capitol complex master plan,
 18 notwithstanding section 8.57, subsection 6, paragraph
 19 "c":
 20 \$250,000
 21 c. To provide funding and related services for
 22 capitol complex property acquisition, notwithstanding
 23 section 8.57, subsection 6, paragraph "c":
 24 \$1,000,000
 25 d. For costs associated with developing the
 26 request for proposals necessary for the procurement
 27 and implementation of a human resources module
 28 associated with the integrated information for Iowa
 29 system, notwithstanding section 8.57, subsection 6,
 30 paragraph "c":
 31 \$200,000
 32 e. For the state's share of support in conjunction
 33 with the city of Des Moines and local area businesses
 34 to provide a free shuttle service to the citizens of
 35 Iowa visiting the capitol complex that includes
 36 transportation between the capitol complex and the
 37 downtown Des Moines area, notwithstanding section
 38 8.57, subsection 6, paragraph "c":
 39 \$170,000
 40 Details for the shuttle service, including the
 41 route to be served, shall be determined pursuant to an
 42 agreement to be entered into by the department with
 43 the Des Moines area regional transit authority (DART)
 44 and any other participating entities.
 45 Of the amount appropriated in this lettered
 46 paragraph, up to \$50,000 shall be used to encourage
 47 state employees to utilize transit services provided
 48 by the Des Moines area regional transit authority.
 49 f. For distribution to other governmental
 50 entities, notwithstanding section 8.57, subsection 6,

Page 2

1 paragraph "c":
 2 \$2,000,000
 3 Moneys appropriated in this lettered paragraph
 4 shall be separately accounted for in a distribution
 5 account and shall be distributed to other governmental
 6 entities based upon a formula established by the
 7 department to pay for services provided during the

8 fiscal year to such other governmental entities by the
 9 department associated with the integrated information
 10 for Iowa system, notwithstanding section 8.57,
 11 subsection 6, paragraph "c". Additionally, the
 12 department may use any unexpended or unencumbered
 13 amount in the distribution account for the purchase of
 14 an existing license for which the state has made
 15 partial payment. Notwithstanding section 8.33, any
 16 remaining balance in the distribution account as of
 17 June 30, 2009, shall not revert but shall remain
 18 available to be used for additional operational
 19 expenses related to the integrated information for
 20 Iowa system during the subsequent fiscal year.
 21 g. For a contract project manager for the Iowa
 22 veterans home, notwithstanding section 8.57,
 23 subsection 6, paragraph "c":
 24 \$200,000

25 It is the intent of the general assembly that the
 26 Iowa veterans home work with the project manager to
 27 proceed with the master plan for the Iowa veterans
 28 home. The Iowa veterans home shall submit a report to
 29 the general assembly on or before December 31, 2008,
 30 detailing the progress of the work, the amount of
 31 money spent, and the amount of federal funding
 32 received.

33 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
 34 For allocation to the Iowa junior Gelbvieh
 35 association in connection with the 2009 national
 36 junior Gelbvieh heifer show, notwithstanding section
 37 8.57, subsection 6, paragraph "c":
 38 \$10,000

39 3. DEPARTMENT OF CORRECTIONS
 40 a. For architecture and engineering costs
 41 associated with the building projects at Fort Madison
 42 prison and Mitchellville prison, notwithstanding
 43 section 8.57, subsection 6, paragraph "c":
 44 \$1,000,000

45 b. For project management costs associated with
 46 construction projects at the department
 47 notwithstanding section 8.57, subsection 6, paragraph
 48 "c":
 49 \$500,000

50 c. For a study related to the fifth judicial

Page 3

1 district department of correctional services,
 2 notwithstanding section 8.57, subsection 6, paragraph
 3 "c":
 4 \$200,000
 5 As a condition of receiving the appropriation in

6 this lettered paragraph, the department of corrections
7 shall collaborate with the fifth judicial district
8 department of correctional services, the fifth
9 judicial district board of directors, and providers
10 within the local justice system to study potential
11 locations of residential facilities to add no more
12 than 170 beds. The study may address the
13 infrastructure needs of the district department. The
14 department of corrections and the fifth judicial
15 district department of correctional services shall
16 comply with section 905.13. The funds may be used to
17 secure an option for the potential purchase of land
18 contingent upon state appropriations being made for
19 that specific purpose and architectural and
20 engineering fees.

21 4. DEPARTMENT OF CULTURAL AFFAIRS

22 a. For deposit into the Iowa great places program
23 fund created in section 303.3D for Iowa great places
24 program projects that meet the definition of "vertical
25 infrastructure" in section 8.57, subsection 6,
26 paragraph "c":
27 \$2,000,000

28 b. For historical site preservation grants to be
29 used for the restoration, preservation, and
30 development of historic sites:
31 \$1,000,000

32 In making grants pursuant to this lettered
33 paragraph, the department shall consider the existence
34 and amount of other funds available to an applicant
35 for the designated project. A grant awarded from
36 moneys appropriated in this lettered paragraph shall
37 not exceed \$100,000 per project. Not more than two
38 grants may be awarded in the same county.

39 c. For continuation of the project recommended by
40 the Iowa battle flag advisory committee to stabilize
41 the condition of the battle flag collection,
42 notwithstanding section 8.57, subsection 6, paragraph
43 "c":
44 \$220,000

45 d. For repairs to the historic Kimball organ
46 located in Clermont, Iowa, notwithstanding section
47 8.57, subsection 6, paragraph "c":
48 \$80,000

49 5. DEPARTMENT OF ECONOMIC DEVELOPMENT

50 a. For accelerated career education program

1 capital projects at community colleges that are
2 authorized under chapter 260G and that meet the
3 definition of "vertical infrastructure" in section

4 8.57, subsection 6, paragraph "c":
5 \$900,000
6 The moneys appropriated in this lettered paragraph
7 shall be allocated equally among the community
8 colleges in the state. If any portion of the equal
9 allocation to a community college is not obligated or
10 encumbered by April 1, 2009, the unobligated and
11 unencumbered portions shall be made available by the
12 department for use by other community colleges.
13 b. For infrastructure expenses to support the
14 development and expansion of targeted industry areas
15 of advanced manufacturing, bioscience, and information
16 technology pursuant to section 15.411, notwithstanding
17 section 8.57, subsection 6, paragraph "c":
18 \$900,000
19 c. For equal distribution to regional sports
20 authority districts certified by the department
21 pursuant to section 15E.321:
22 \$500,000
23 d. For deposit into the workforce training and
24 economic development funds created for each community
25 college in section 260C.18A, notwithstanding section
26 8.57, subsection 6, paragraph "c":
27 \$2,000,000
28 e. For deposit into the river enhancement
29 community attraction and tourism fund created in 2008
30 Iowa Acts, [Senate File 2430](#), if enacted:
31 \$10,000,000
32 f. For the construction of a multiuse community
33 center in Des Moines:
34 \$100,000
35 6. DEPARTMENT OF EDUCATION
36 a. To provide resources for structural and
37 technological improvements to local libraries and for
38 the enrich Iowa program, notwithstanding section 8.57,
39 subsection 6, paragraph "c":
40 \$1,000,000
41 Of the amount of this appropriation, \$50,000 shall
42 be allocated equally to each library service area.
43 b. For implementation of the provisions of chapter
44 280A, notwithstanding section 8.57, subsection 6,
45 paragraph "c":
46 \$250,000
47 c. For allocation to eastern Iowa community
48 college merged area IX with an established
49 agricultural learning center for the construction of
50 an agricultural learning center in Muscatine:

1 \$80,000

2 7. DEPARTMENT OF HUMAN SERVICES

3 a. For the renovation and construction of certain
4 nursing facilities, consistent with the provisions of
5 chapter 249K:
6 \$600,000

7 b. For a study of ways to enhance access to health
8 insurance by registered child development home
9 providers in accordance with this section,
10 notwithstanding section 8.57, subsection 6, paragraph
11 "c":
12 \$50,000

13 The study shall be conducted jointly with the
14 collective bargaining organization representing
15 registered child development home providers and the
16 organization shall match the funding provided in this
17 section.

18 c. For costs associated with the child care
19 workgroup established pursuant to this paragraph,
20 notwithstanding section 8.57, subsection 6, paragraph
21 "c":
22 \$30,000

23 (1) (a) The state child care advisory council
24 established pursuant to section 237A.21 shall serve as
25 a workgroup to address implementation of the
26 provisions of this lettered paragraph and the issues
27 identified in this lettered paragraph.

28 (b) The workgroup shall submit a report to the
29 governor and general assembly with findings and
30 recommendations on or before December 15, 2008. In
31 addition to addressing the other issues listed in this
32 lettered paragraph, the report shall provide options
33 for revising the regulatory system for home-based
34 child care providers. The options provided shall
35 include but are not limited to mandatory registration,
36 voluntary licensure, and mandatory licensure.

37 (c) The workgroup shall address the implementation
38 issues associated with a change in child care
39 regulation to mandatory registration or voluntary or
40 mandatory licensure as described in subparagraph
41 subdivision (b). The issues considered shall include
42 but are not limited to planning for the phase-in of
43 and costs for additional inspection visits of child
44 development homes, increased expenses for state child
45 care assistance program slots, revising state child
46 care assistance program reimbursement methodologies to
47 reward quality, and other implementation issues.

48 (2) (a) The workgroup shall cooperate with early
49 childhood stakeholders and the private sector in
50 addressing the many publicly supported programs and

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1 services directed to early childhood and issues
2 involved with redirecting the programs and services to
3 be part of a cohesive child care system.

4 (b) The issues addressed shall include
5 professional development of workers, improving the
6 workforce, ensuring articulation between programs,
7 meeting the needs of both children and parents,
8 enhancing community engagement to support early
9 childhood, and other efforts to address early
10 childhood needs with a coordinated system.

11 (3) In addition, the workgroup shall explore other
12 issues, including but not limited to all of the
13 following:

14 (a) Using the internet to provide information to
15 child care providers, capacity for providers to
16 register with the department of human services via the
17 internet, and training information.

18 (b) Creating a database of all child care
19 providers.

20 (c) Streamlining and coordinating inspections of
21 home-based child care providers.

22 (d) Providing health care insurance for providers
23 and their workers.

24 (e) Educating the public on the advantages of
25 using a registered child care provider.

26 (f) Developing possible sanctions for violations
27 at child care facilities other than closing the
28 facilities.

29 (g) Requiring a state and federal
30 fingerprint-based criminal history record check for
31 all licensed and registered child care providers as
32 well as unregistered child care home providers.
33 Recommendations made for purposes of this subdivision
34 shall include but are not limited to options for the
35 phasing in of required fingerprint-based checks and
36 addressing the frequency with which such checks should
37 be required.

38 (h) Providing additional opportunities and
39 resources for child care providers and instructing the
40 Iowa state university of science and technology
41 cooperative extension service in agriculture and home
42 economics, child care resource and referral agencies,
43 and community colleges to expand continuing education
44 opportunities offered at times the providers are not
45 providing care.

46 (i) Implementing an electronic benefit transfer
47 program to pay for state child care assistance.

48 e. For the construction of a community and family
49 resources drug and gambling center in a seven-county
50 area:

1 \$15,000

2 8. IOWA FINANCE AUTHORITY

3 a. For grants for distribution for water quality

4 improvement projects for the wastewater treatment financial

5 assistance program pursuant to section 16.134:

6 \$3,000,000

7 b. For deposit into the housing trust fund created

8 in section 16.181:

9 \$3,000,000

10 9. DEPARTMENT OF NATURAL RESOURCES

11 a. For purposes of supporting a lowhead dam public

12 hazard improvement program, notwithstanding section

13 8.57, subsection 6, paragraph "c":

14 \$1,000,000

15 The department shall award grants to dam owners

16 including counties, cities, state agencies,

17 cooperatives, and individuals, to support projects

18 approved by the department.

19 The department shall require each dam owner

20 applying for a project grant to submit a project plan

21 for the expenditure of the moneys, and file a report

22 with the department regarding the project, as required

23 by the department.

24 The funds can be used for signs, posts, and related

25 cabling, and the department shall only award money on

26 a matching basis, pursuant to the dam owner

27 contributing at least 20 cents for every 80 cents

28 awarded by the department, in order to finance the

29 project. For the remainder of the funds, including

30 any balance of money not awarded for signs, posts, and

31 related cabling, the department shall only award

32 moneys to a dam owner on a matching basis. A dam

33 owner shall contribute one dollar for each dollar

34 awarded by the department in order to finance a

35 project.

36 b. For lake dredging and related improvements

37 including ongoing dam maintenance and operation on a

38 lake with public access that has the support of a

39 benefited lake district located in a county with a

40 population between 18,015 and 18,050 according to the

41 2005 population estimate issued by the federal

42 government, notwithstanding section 8.57, subsection

43 6, paragraph "c":

44 \$100,000

45 c. For a grant to a city with a population of more

46 than 30,500 but less than 31,500, according to the

47 2006 estimate issued by the United States bureau of

48 the census, notwithstanding section 8.57, subsection

49 6, paragraph "c":
 50 \$150,000

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1 The grant shall be used to conduct a study of the
 2 feasibility of the use of plasma arc and other related
 3 energy technology for disposal of solid waste while
 4 generating energy.

5 10. DEPARTMENT OF PUBLIC DEFENSE

6 a. For upgrades to the Camp Dodge water
 7 distribution system:
 8 \$410,000

9 b. For major maintenance projects at national
 10 guard armories and facilities:
 11 \$1,500,000

12 c. For the renovation and modernization of the
 13 national guard armory in Ottumwa:
 14 \$500,000

15 d. For upgrades to the Camp Dodge electrical
 16 distribution system:
 17 \$526,000

18 e. For construction improvement projects at
 19 statewide national guard armories:
 20 \$1,800,000

21 11. DEPARTMENT OF PUBLIC HEALTH

22 For a grant to an existing national affiliated
 23 volunteer eye organization that has an established
 24 program for children and adults and that is solely
 25 dedicated to preserving sight and preventing blindness
 26 through education, nationally certified vision
 27 screening and training, community and patient service
 28 programs, notwithstanding section 8.57, subsection 6,
 29 paragraph "c":
 30 \$130,000

31 12. STATE BOARD OF REGENTS

32 a. For allocation by the state board of regents to
 33 the state university of Iowa, the Iowa state
 34 university of science and technology, and the
 35 university of northern Iowa to reimburse the
 36 institutions for deficiencies in their operating funds
 37 resulting from the pledging of tuition, student fees
 38 and charges, and institutional income to finance the
 39 cost of providing academic and administrative
 40 buildings and facilities and utility services at the
 41 institutions, notwithstanding section 8.57, subsection
 42 6, paragraph "c":
 43 \$24,305,412

44 b. For phase II of the construction and renovation
 45 of the veterinary medical facilities at Iowa state

46 university of science and technology, specifically the
 47 renovation and modernization of the area formerly
 48 occupied by the large animal area of the teaching
 49 hospital for expanded clinical services:
 50 \$1,800,000

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1 c. For the midwest grape and wine industry
 2 institute at Iowa state university of science and
 3 technology, notwithstanding section 8.57, subsection
 4 6, paragraph "c":
 5 \$50,000

6 13. DEPARTMENT OF TRANSPORTATION

7 a. For acquiring, constructing, and improving
 8 recreational trails within the state:
 9 \$3,000,000

10 Moneys appropriated in this lettered paragraph may
 11 be used for purposes of building equestrian or
 12 snowmobile trails that run parallel to a recreational
 13 trail. It is the intent of the general assembly to
 14 promote multiple uses for trails funding in this
 15 lettered paragraph and to maximize the number of trail
 16 users.

17 Of the amounts appropriated in this lettered
 18 paragraph, the following amounts shall be allocated as
 19 follows:

20 (1) For infrastructure improvements for a river
 21 water trail located in a county with a population
 22 between 20,000 and 20,250:
 23 \$100,000

24 (2) For developing and completing a recreational
 25 trail beginning at the entrance of Stone state park
 26 and continuing south for one and one-eighth miles
 27 along, but separate from, state highway 12:
 28 \$100,000

29 (3) To the area 15 regional planning commission
 30 for the development of the American gothic regional
 31 trail project:
 32 \$100,000

33 (4) For the development of the Principal riverwalk
 34 in downtown Des Moines:
 35 \$750,000

36 (5) For the development of the Summerset trail
 37 from Indianola to Des Moines to Carlisle:
 38 \$100,000

39 (6) For general infrastructure improvements for
 40 the Crawford county trail:
 41 \$30,000

42 b. For deposit into the railroad revolving loan
 43 and grant fund created in section 327H.20A,
 44 notwithstanding section 8.57, subsection 6, paragraph

45 "c":
 46 \$2,000,000
 47 It is the intent of the general assembly that the
 48 moneys appropriated in this lettered paragraph shall
 49 be used to generate at least \$10,000,000 in vertical
 50 infrastructure capital investments.

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1 c. For the construction of a depot and platform to
 2 accommodate the future Amtrak service from Dubuque to
 3 Chicago:
 4 \$300,000

5 d. For infrastructure improvements at general
 6 aviation airports within the state:
 7 \$750,000

8 14. TREASURER OF STATE

9 a. For county fair infrastructure improvements for
 10 distribution in accordance with chapter 174 to
 11 qualified fairs which belong to the association of
 12 Iowa fairs:
 13 \$1,590,000

14 Of the amount appropriated in this lettered
 15 paragraph, \$530,000 shall be deposited into the
 16 fairgrounds infrastructure aid fund created pursuant
 17 to section 12.101, as enacted in this Act, for
 18 fairgrounds infrastructure aid as provided in section
 19 12.102, as enacted in this Act.

20 b. For deposit in the watershed improvement fund
 21 created in section 466A.2, notwithstanding section
 22 8.57, subsection 6, paragraph "c":
 23 \$5,000,000

24 15. DEPARTMENT OF VETERANS AFFAIRS

25 For transfer to the Iowa finance authority for the
 26 continuation of the home ownership assistance program
 27 for persons who are or were eligible members of the
 28 armed forces of the United States, pursuant to section
 29 16.54, as enacted by 2008 Iowa Acts, [Senate File 2354](#),
 30 if enacted, notwithstanding section 8.57, subsection
 31 6, paragraph "c":
 32 \$1,600,000

33 Of the funds transferred pursuant to this
 34 subsection, the Iowa finance authority may retain not
 35 more than \$20,000 for administrative purposes.

36 Sec. 2. REVERSION. Notwithstanding section 8.33,
 37 moneys appropriated for the fiscal year beginning July
 38 1, 2008, in this division of this Act that remain
 39 unencumbered or unobligated at the close of the fiscal
 40 year shall not revert but shall remain available for
 41 the purposes designated until the close of the fiscal
 42 year that begins July 1, 2011, or until the project

43 for which the appropriation was made is completed,
 44 whichever is earlier.
 45 Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
 46 is appropriated from the rebuild Iowa infrastructure
 47 fund to the department of economic development for the
 48 fiscal year beginning July 1, 2007, and ending July 1,
 49 2008, the following amount, or so much thereof as is
 50 necessary, to be used for the purpose designated:

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1 For the central Iowa expo for the design and
 2 development of a long-term facility for an outdoor
 3 farm show:
 4 \$250,000

5 Notwithstanding section 8.33, moneys appropriated
 6 in this section for the fiscal year beginning July 1,
 7 2007, and ending June 30, 2008, shall not revert at
 8 the close of the fiscal year for which they are
 9 appropriated but shall remain available for the
 10 purposes designated until the close of the fiscal year
 11 that begins July 1, 2010, or until the project for
 12 which the appropriation was made is completed,
 13 whichever is earlier.

14 Sec. 4. STATE BOARD OF REGENTS. There is
 15 appropriated from the rebuild Iowa infrastructure fund
 16 to the state board of regents for the fiscal year
 17 beginning July 1, 2009, and ending June 30, 2010, the
 18 following amount, or so much thereof as is necessary,
 19 to be used for the purposes designated:

20 For allocation by the state board of regents to the
 21 state university of Iowa, the Iowa state university of
 22 science and technology, and the university of northern
 23 Iowa to reimburse the institutions for deficiencies in
 24 their operating funds resulting from the pledging of
 25 tuition, student fees and charges, and institutional
 26 income to finance the cost of providing academic and
 27 administrative buildings and facilities and utility
 28 services at the institutions, notwithstanding section
 29 8.57, subsection 6, paragraph "c":
 30 \$24,305,412

31 Notwithstanding section 8.33, moneys appropriated
 32 in this section for the fiscal year beginning July 1,
 33 2009, and ending June 30, 2010, shall not revert at
 34 the close of the fiscal year for which they are
 35 appropriated but shall remain available for the
 36 purpose designated until the close of the fiscal year
 37 that begins July 1, 2012, or until the project for
 38 which the appropriation was made is completed,
 39 whichever is earlier.

40 Sec. 5. DEPARTMENT OF PUBLIC DEFENSE. There is

41 appropriated from the rebuild Iowa infrastructure fund
 42 to the department of public defense for the designated
 43 fiscal years the following amounts, or so much thereof
 44 as is necessary, to be used for the purpose
 45 designated:

46 For construction improvement projects at statewide
 47 national guard armories:
 48 FY 2009-2010 \$1,800,000
 49 FY 2010-2011 \$1,800,000
 50 Notwithstanding section 8.33, moneys appropriated

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1 in this section for the fiscal year beginning July 1,
 2 2009, and ending June 30, 2010, shall not revert at
 3 the close of the fiscal year for which they are
 4 appropriated but shall remain available for the
 5 purpose designated until the close of the fiscal year
 6 that begins July 1, 2012, or until the project for
 7 which the appropriation was made is completed,
 8 whichever is earlier.

9 Notwithstanding section 8.33, moneys appropriated
 10 in this section for the fiscal year beginning July 1,
 11 2010, and ending June 30, 2011, shall not revert at
 12 the close of the fiscal year for which they are
 13 appropriated but shall remain available for the
 14 purpose designated until the close of the fiscal year
 15 that begins July 1, 2013, or until the project for
 16 which the appropriation was made is completed,
 17 whichever is earlier.

18 Sec. 6. DEPARTMENT OF CORRECTIONS. There is
 19 appropriated from the rebuild Iowa infrastructure fund
 20 to the department of corrections for the designated
 21 fiscal years the following amounts, or so much thereof
 22 as is necessary, to be used for the purposes
 23 designated:

24 For expansion of the Iowa correctional facility for
 25 women at Mitchellville:
 26 FY 2010-2011 \$11,700,000
 27 FY 2011-2012 \$8,779,000

28 Notwithstanding section 8.33, moneys appropriated
 29 in this section for the fiscal year beginning July 1,
 30 2010, and ending June 30, 2011, shall not revert at
 31 the close of the fiscal year for which they are
 32 appropriated but shall remain available for the
 33 purpose designated until the close of the fiscal year
 34 that begins July 1, 2013, or until the project for
 35 which the appropriation was made is completed,
 36 whichever is earlier.

37 Notwithstanding section 8.33, moneys appropriated
 38 in this section for the fiscal year beginning July 1,

39 2011, and ending June 30, 2012, shall not revert at
 40 the close of the fiscal year for which they are
 41 appropriated but shall remain available for the
 42 purpose designated until the close of the fiscal year
 43 that begins July 1, 2014, or until the project for
 44 which the appropriation was made is completed,
 45 whichever is earlier.
 46 Sec. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
 47 is appropriated from the rebuild Iowa infrastructure
 48 fund to the department of economic development for the
 49 designated fiscal years the following amounts, or so
 50 much thereof as is necessary, to be used for the

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1 purposes designated:

2 For deposit into the river enhancement community
 3 attraction and tourism fund created in 2008 Iowa Acts,
 4 [Senate File 2430](#), if enacted:

5 FY 2009-2010	\$10,000,000
6 FY 2010-2011	\$10,000,000
7 FY 2011-2012	\$10,000,000
8 FY 2012-2013	\$10,000,000

9 Notwithstanding section 8.33, moneys appropriated
 10 in this section for the fiscal year beginning July 1,
 11 2009, and ending June 30, 2010, shall not revert at
 12 the close of the fiscal year for which they are
 13 appropriated but shall remain available for the
 14 purpose designated until the close of the fiscal year
 15 that begins July 1, 2012, or until the project for
 16 which the appropriation was made is completed,
 17 whichever is earlier.

18 Notwithstanding section 8.33, moneys appropriated
 19 in this section for the fiscal year beginning July 1,
 20 2010, and ending June 30, 2011, shall not revert at
 21 the close of the fiscal year for which they are
 22 appropriated but shall remain available for the
 23 purpose designated until the close of the fiscal year
 24 that begins July 1, 2013, or until the project for
 25 which the appropriation was made is completed,
 26 whichever is earlier.

27 Notwithstanding section 8.33, moneys appropriated
 28 in this section for the fiscal year beginning July 1,
 29 2011, and ending June 30, 2012, shall not revert at
 30 the close of the fiscal year for which they are
 31 appropriated but shall remain available for the
 32 purpose designated until the close of the fiscal year
 33 that begins July 1, 2014, or until the project for
 34 which the appropriation was made is completed,
 35 whichever is earlier.

36 Notwithstanding section 8.33, moneys appropriated

37 in this section for the fiscal year beginning July 1,
 38 2012, and ending June 30, 2013, shall not revert at
 39 the close of the fiscal year for which they are
 40 appropriated but shall remain available for the
 41 purpose designated until the close of the fiscal year
 42 that begins July 1, 2015, or until the project for
 43 which the appropriation was made is completed,
 44 whichever is earlier.

45 Sec. 8. The section of this division of this Act
 46 making an appropriation to the department of economic
 47 development for a central Iowa expo for the fiscal
 48 year beginning July 1, 2007, being deemed of immediate
 49 importance, takes effect upon enactment.

50 DIVISION II

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1 ENDOWMENT FOR IOWA'S HEALTH RESTRICTED
 2 CAPITALS FUND

3 Sec. 9. There is appropriated from the endowment
 4 for Iowa's health restricted capitals fund to the
 5 following departments and agencies for the fiscal year
 6 beginning July 1, 2008, and ending June 30, 2009, the
 7 following amounts, or so much thereof as is necessary,
 8 to be used for the purposes designated:

9 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

10 a. For the installation of preheat piping in the
 11 Lucas state office building:
 12 \$300,000

13 b. For costs associated with the capitol complex
 14 alternative energy system:
 15 \$200,000

16 2. DEPARTMENT OF ECONOMIC DEVELOPMENT

17 For accelerated career education program capital
 18 projects at community colleges that are authorized
 19 under chapter 260G and that meet the definition of
 20 "vertical infrastructure" in section 8.57, subsection
 21 6, paragraph "c":
 22 \$4,600,000

23 Sec. 10. TAX-EXEMPT STATUS - USE OF
 24 APPROPRIATIONS. Payment of moneys from the
 25 appropriations in this division of this Act shall be
 26 made in a manner that does not adversely affect the
 27 tax-exempt status of any outstanding bonds issued by
 28 the tobacco settlement authority.

29 Sec. 11. REVERSION. Notwithstanding section 8.33,
 30 moneys appropriated for the fiscal year beginning July
 31 1, 2008, and ending June 30, 2009, in this division of
 32 this Act that remain unencumbered or unobligated at
 33 the close of the fiscal year shall not revert but
 34 shall remain available for the purposes designated

35 until the close of the fiscal year that begins July 1,
36 2011, or until the project for which the appropriation
37 was made is completed, whichever is earlier.

38 DIVISION III

39 TAX-EXEMPT BOND PROCEEDS RESTRICTED
40 CAPITAL FUNDS ACCOUNT

41 Sec. 12. There is appropriated from the tax-exempt
42 bond proceeds restricted capital funds account of the
43 tobacco settlement trust fund to the following
44 departments and agencies for the fiscal year beginning
45 July 1, 2008, and ending June 30, 2009, the following
46 amounts, or so much thereof as is necessary, to be
47 used for the purposes designated:

48 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
49 For costs associated with the restoration and
50 renovation, including major repairs and major

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1 maintenance, at the governor's mansion at Terrace
2 Hill:
3 \$186,457

4 2. DEPARTMENT OF NATURAL RESOURCES
5 For the construction of the cabins, activity
6 building, picnic shelters, and other costs associated
7 with the opening of the Honey creek premier
8 destination park:
9 \$3,100,000

10 The department shall not obligate any funding under
11 this appropriation without approval from the
12 department of management. The department shall give
13 quarterly updates to the Honey creek premier
14 destination park authority and the legislative
15 services agency on the obligation and spending of this
16 appropriation.

17 In light of this appropriation, the department
18 shall not request additional appropriations for
19 funding the construction of future additional
20 amenities at the Honey creek destination park beyond
21 the fiscal year ending June 30, 2009. In the event
22 that the chairperson of the authority delivers a
23 certificate to the governor, pursuant to section
24 463C.13, stating the amounts necessary to restore bond
25 reserve funds, it is the general assembly's intent
26 upon consideration of the governor's request to first
27 seek refunding from the department's budget.

28 Sec. 13. TAX-EXEMPT STATUS – USE OF
29 APPROPRIATIONS. Payment of moneys from the
30 appropriations in this division of this Act shall be
31 made in a manner that does not adversely affect the
32 tax-exempt status of any outstanding bonds issued by

33 the tobacco settlement authority.
 34 Sec. 14. REVERSION. Notwithstanding section 8.33,
 35 moneys appropriated in this division of this Act for
 36 the fiscal year beginning July 1, 2008, and ending
 37 June 30, 2009, shall not revert at the close of the
 38 fiscal year for which they are appropriated but shall
 39 remain available for the purposes designated until the
 40 close of the fiscal year that begins July 1, 2011, or
 41 until the project for which the appropriation was made
 42 is completed, whichever is earlier.

43 DIVISION IV

44 TECHNOLOGY REINVESTMENT FUND

45 Sec. 15. There is appropriated from the technology
 46 reinvestment fund created in section 8.57C to the
 47 following departments and agencies for the fiscal year
 48 beginning July 1, 2008, and ending June 30, 2009, the
 49 following amounts, or so much thereof as is necessary,
 50 to be used for the purposes designated:

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1	1. DEPARTMENT OF ADMINISTRATIVE SERVICES	
2	For technology improvement projects:	
3	.....	\$3,980,255
4	2. DEPARTMENT OF CORRECTIONS	
5	For costs associated with the Iowa corrections	
6	offender network data system:	
7	.....	\$500,000
8	3. DEPARTMENT OF CULTURAL AFFAIRS	
9	For providing a grant to the Grout museum district	
10	at the Sullivan brothers veterans museum for costs	
11	associated with the oral history exhibit including but	
12	not limited to exhibit information technology,	
13	computer connectivity, and interactive display	
14	technologies:	
15	.....	\$500,000
16	4. DEPARTMENT OF EDUCATION	
17	a. For maintenance and lease costs associated with	
18	connections for Part III of the Iowa communications	
19	network:	
20	.....	\$2,727,000
21	b. To the public broadcasting division for the	
22	purchase and installation of generators at transmitter	
23	sites:	
24	.....	\$1,602,437
25	c. To the public broadcasting division for the	
26	replacement and digital conversion of the Keosauqua	
27	translator:	
28	.....	\$701,500
29	d. For the implementation of an educational data	
30	warehouse that will be utilized by teachers, parents,	

31 school district administrators, area education agency
 32 staff, department of education staff, and
 33 policymakers:

34 \$600,000

35 e. For continuation of the skills Iowa technology
 36 grant program in accordance with this lettered
 37 paragraph:

38 \$500,000

39 The amount appropriated in this lettered paragraph
 40 shall be used to continue the skills Iowa technology
 41 grant program, previously known as the
 42 follow-the-leader technology grant program. The
 43 purpose of the program is to provide assessment and
 44 remediation tools to classrooms, to enhance teachers'
 45 ability to easily assess the skill levels of
 46 individual students and prescribe individualized
 47 instruction plans based on those assessments, and
 48 provide for professional development of teachers. The
 49 department shall contract with a not-for-profit entity
 50 with at least two years experience with the skills

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1 Iowa technology grant program and in providing
 2 technical assistance to schools in Iowa. The goals
 3 for the contractor shall include minimizing disruption
 4 in the use of skills Iowa in schools. Any
 5 departmental administrative expenses associated with
 6 this appropriation shall not exceed \$50,000.

7 5. DEPARTMENT OF HUMAN RIGHTS

8 For the cost of equipment and computer software for
 9 the implementation of Iowa's criminal justice
 10 information system:

11 \$1,839,852

12 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
 13 COMMISSION

14 a. For replacement of equipment for the Iowa
 15 communications network:

16 \$2,190,123

17 The commission may continue to enter into contracts
 18 pursuant to section 8D.13 for the replacement of
 19 equipment and for operations and maintenance costs of
 20 the network.

21 In addition to funds appropriated under this
 22 lettered paragraph, the commission may use a financing
 23 agreement entered into by the treasurer of state in
 24 accordance with section 12.28 for the replacement of
 25 equipment for the network. For purposes of this
 26 lettered paragraph, the treasurer of state is not
 27 subject to the maximum principal limitation contained
 28 in section 12.28, subsection 6. Repayment of any

29 amounts financed shall be made from receipts
 30 associated with fees charged for use of the network.
 31 b. For addition of network redundancy for
 32 continuity of operations for the capitol complex:
 33 \$1,800,000
 34 7. DEPARTMENT OF PUBLIC SAFETY
 35 For continuation of payments on the lease of the
 36 automated fingerprint identification system:
 37 \$560,000
 38 Sec. 16. REVERSION. Notwithstanding section 8.33,
 39 moneys appropriated for the fiscal year beginning July
 40 1, 2008, and ending June 30, 2009, in this division of
 41 this Act that remain unencumbered or unobligated at
 42 the close of the fiscal year shall not revert but
 43 shall remain available for the purposes designated
 44 until the close of the fiscal year beginning July 1,
 45 2011, or until the project for which the appropriation
 46 was made is completed, whichever is earlier.
 47 Sec. 17. There is appropriated from the technology
 48 reinvestment fund created in section 8.57C to the
 49 department of cultural affairs for the fiscal year
 50 beginning July 1, 2009, and ending July 1, 2010, the

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1 following amount, or so much thereof as is necessary,
 2 to be used for the purpose designated:
 3 For providing a grant to the Grout museum district
 4 at the Sullivan brothers veterans museum for costs
 5 associated with the oral history exhibit:
 6 \$486,250
 7 Notwithstanding section 8.33, moneys appropriated
 8 in this section for the fiscal year beginning July 1,
 9 2009, and ending June 30, 2010, shall not revert at
 10 the close of the fiscal year for which they are
 11 appropriated but shall remain available for the
 12 purposes designated until the close of the fiscal year
 13 that begins July 1, 2012, or until the project for
 14 which the appropriation was made is completed,
 15 whichever is earlier.
 16 DIVISION V
 17 FY 2009 TAX-EXEMPT BOND PROCEEDS
 18 RESTRICTED CAPITAL FUNDS ACCOUNT
 19 Sec. 18. There is appropriated from the FY 2009
 20 tax-exempt bond proceeds restricted capital funds
 21 account of the tobacco settlement trust fund pursuant
 22 to section 12E.12, subsection 1, paragraph "b",
 23 subparagraph (1A), as enacted in this Act, to the
 24 following departments and agencies for the fiscal year
 25 beginning July 1, 2008, and ending June 30, 2009, the
 26 following amounts, or so much thereof as is necessary,

27 to be used for the purposes designated:

28 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

29 a. For the planning, design, and construction of a
30 new state office building, including costs associated
31 with the furnishing of the building:

32 \$20,000,000

33 The location, design, plans and specifications, and
34 occupants of the building shall be determined jointly
35 by the executive council and the department of
36 administrative services in consultation with the
37 capitol planning commission following an analysis of
38 space needs to be completed no later than January 1,
39 2009. Recommendations for design, plans and
40 specifications, and occupants shall be presented to
41 the general assembly and the governor for approval by
42 the start of the 2009 legislative session.

43 b. For renovations to the capitol complex utility
44 tunnel system:

45 \$4,763,078

46 c. For costs associated with capitol interior and
47 exterior restoration:

48 \$6,900,000

49 d. For upgrades to the electrical distribution
50 system serving the capitol complex:

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1 \$4,470,000

2 e. For heating, ventilating, and air conditioning
3 improvements in the Hoover state office building:

4 \$1,500,000

5 f. For costs associated with the central energy
6 plant addition and improvements:

7 \$623,000

8 g. For building security and firewall protection
9 in the Hoover state office building:

10 \$165,000

11 h. For projects related to major repairs and major
12 maintenance for state buildings and facilities under
13 the purview of the department:

14 \$15,000,000

15 Of the amount appropriated in this lettered
16 paragraph, up to \$1,000,000 may be used for demolition
17 purposes.

18 i. For the purchase of Mercy capitol hospital:

19 \$3,400,000

20 It is the intent of the general assembly that the
21 department will use other appropriations made or other
22 funds available to the department for the acquisition
23 of buildings to complete the purchase of this
24 building.

25 j. For capital improvements at the civil
 26 commitment unit for a sexual offenders facility at
 27 Cherokee:
 28 \$829,000
 29 k. For costs associated with the restoration and
 30 renovation, including major repairs and major
 31 maintenance, at the governor's mansion at Terrace
 32 Hill:
 33 \$769,543
 34 2. DEPARTMENT FOR THE BLIND
 35 For costs associated with the renovation of
 36 dormitory buildings:
 37 \$869,748
 38 3. DEPARTMENT OF CORRECTIONS
 39 a. For expansion of the community-based
 40 corrections facility at Sioux City:
 41 \$5,300,000
 42 b. For expansion of the community-based
 43 corrections facility at Ottumwa:
 44 \$4,100,000
 45 c. For expansion of the community-based
 46 corrections facility at Waterloo:
 47 \$6,000,000
 48 It is the intent of the general assembly that the
 49 funds appropriated in paragraphs "a" through "c" be
 50 used to expand the number of beds available through

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1 new construction and remodeling and not for
 2 replacement of existing facilities.
 3 d. For expansion of the Iowa correctional facility
 4 for women at Mitchellville:
 5 \$47,500,000
 6 e. For the remodeling of kitchens at the
 7 correctional facilities at Mount Pleasant and Rockwell
 8 City:
 9 \$12,500,000
 10 4. DEPARTMENT OF EDUCATION
 11 For major renovation and major repair needs,
 12 including health, life, and fire safety needs, and for
 13 compliance with the federal Americans With
 14 Disabilities Act, for state buildings and facilities
 15 under the purview of the community colleges:
 16 \$2,000,000
 17 The moneys appropriated in this subsection shall be
 18 allocated to the community colleges based upon the
 19 distribution formula established in section 260C.18C.
 20 5. DEPARTMENT OF NATURAL RESOURCES
 21 a. For infrastructure improvements for a state
 22 river recreation area located in a county with a

23 population between 21,900 and 22,100:
 24 \$750,000
 25 b. For the construction and installation of an
 26 angled well, pumps, and piping to connect the existing
 27 infrastructure from the new well to a lake located in
 28 a county with a population between 87,500 and 88,000:
 29 \$500,000
 30 Moneys appropriated in this lettered paragraph are
 31 contingent upon receipt of matching funds from a state
 32 taxing authority surrounding such lake.
 33 c. For the construction of the cabins, activity
 34 building, picnic shelters, and other costs associated
 35 with the opening of the Honey creek premier
 36 destination park:
 37 \$4,900,000
 38 The department shall not obligate any funding under
 39 this appropriation without approval from the
 40 department of management. The department shall
 41 provide quarterly updates to the Honey creek premier
 42 destination park authority and the legislative
 43 services agency on the obligation and spending of this
 44 appropriation.
 45 In light of this appropriation, the department
 46 shall not request additional appropriations for
 47 funding the construction of future additional
 48 amenities at the Honey creek destination park beyond
 49 the fiscal year ending June 30, 2009. In the event
 50 that the chairperson of the authority delivers a

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1 certificate to the governor, pursuant to section
 2 463C.13, stating the amounts necessary to restore bond
 3 reserve funds, it is the general assembly's intent
 4 upon consideration of the governor's request to first
 5 seek refunding from the department's budget.
 6 d. For implementation of lake projects that have
 7 established watershed improvement initiatives and
 8 community support in accordance with the department's
 9 annual lake restoration plan and report,
 10 notwithstanding section 8.57, subsection 6, paragraph
 11 "c":
 12 \$8,600,000
 13 (1) It is the intent of the general assembly that
 14 the department of natural resources shall implement
 15 the lake restoration annual report and plan submitted
 16 to the joint appropriations subcommittee on
 17 transportation, infrastructure, and capitals and the
 18 legislative services agency on December 26, 2006,
 19 pursuant to section 456A.33B. The lake restoration
 20 projects that are recommended by the department to

21 receive funding for fiscal year 2007-2008 and that
22 satisfy the criteria in section 456A.33B, including
23 local commitment of funding for the projects, shall be
24 funded in the amounts provided in the report.

25 Of the amounts appropriated in this lettered
26 paragraph, at least the following amounts shall be
27 allocated as follows:

- 28 (a) For clear lake in Cerro Gordo county:
29 \$3,000,000
- 30 (b) For storm lake in Buena Vista county:
31 \$1,000,000
- 32 (c) For carter lake in Pottawattamie county:
33 \$200,000

34 (2) Of the moneys appropriated in this lettered
35 paragraph, \$200,000 shall be used for the purposes of
36 supporting a low head dam public hazard improvement
37 program. The moneys shall be used to provide grants
38 to local communities, including counties and cities,
39 for projects approved by the department.

- 40 (a) The department shall award grants to dam
41 owners including counties, cities, state agencies,
42 cooperatives, and individuals, to support projects
43 approved by the department.
- 44 (b) The department shall require each dam owner
45 applying for a project grant to submit a project plan
46 for the expenditure of the moneys, and file a report
47 with the department regarding the project, as required
48 by the department.
- 49 (c) The funds can be used for signs, posts, and
50 related cabling, and the department shall only award

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1 money on a matching basis, pursuant to the dam owner
2 contributing at least 20 cents for every 80 cents
3 awarded by the department, in order to finance the
4 project. For the remainder of the funds, including
5 any balance of money not awarded for signs, posts, and
6 related cabling, the department shall only award
7 moneys to a dam owner on a matching basis. A dam
8 owner shall contribute one dollar for each dollar
9 awarded by the department in order to finance a
10 project.

11 6. STATE BOARD OF REGENTS

12 For infrastructure, deferred maintenance, and
13 equipment related to Iowa public radio:
14 \$2,000,000

15 7. IOWA STATE FAIR

16 For infrastructure improvements to the Iowa state
17 fairgrounds including but not limited to the
18 construction of an agricultural exhibition center on

19 the Iowa state fairgrounds:
 20 \$5,000,000
 21 8. DEPARTMENT OF TRANSPORTATION
 22 a. For deposit into the public transit
 23 infrastructure grant fund created in section 324A.6A:
 24 \$2,200,000
 25 b. For infrastructure improvements at the
 26 commercial service airports within the state:
 27 \$1,500,000
 28 Fifty percent of the funds appropriated in this
 29 lettered paragraph shall be allocated equally between
 30 each commercial air service airport, forty percent of
 31 the funds shall be allocated based on the percentage
 32 that the number of enplaned passengers at each
 33 commercial air service airport bears to the total
 34 number of enplaned passengers in the state during the
 35 previous fiscal year, and ten percent of the funds
 36 shall be allocated based on the percentage that the
 37 air cargo tonnage at each commercial air service
 38 airport bears to the total air cargo tonnage in the
 39 state during the previous fiscal year. In order for a
 40 commercial air service airport to receive funding
 41 under this lettered paragraph, the airport shall be
 42 required to submit applications for funding of
 43 specific projects to the department for approval by
 44 the state transportation commission.
 45 8. DEPARTMENT OF VETERANS AFFAIRS
 46 a. For matching funds for the construction of
 47 resident living areas at the Iowa veterans home and
 48 related improvements associated with the Iowa veterans
 49 home comprehensive plan:
 50 \$20,555,329

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1 b. To build a memorial plaza that honors veterans
 2 from the Dubuque area:
 3 \$100,000
 4 Sec. 19. TAX-EXEMPT STATUS – USE OF
 5 APPROPRIATIONS. Payment of moneys from the
 6 appropriations in this division of this Act shall be
 7 made in a manner that does not adversely affect the
 8 tax-exempt status of any outstanding bonds issued by
 9 the tobacco settlement authority.
 10 Sec. 20. REVERSION. Notwithstanding section 8.33,
 11 moneys appropriated in this division of this Act for
 12 the fiscal year beginning July 1, 2008, and ending
 13 June 30, 2009, shall not revert at the close of the
 14 fiscal year for which they are appropriated but shall
 15 remain available for the purposes designated until the
 16 close of the fiscal year that begins July 1, 2011, or

17 until the project for which the appropriation was made
18 is completed, whichever is earlier.

19 DIVISION VI

20 ENVIRONMENT FIRST FUND – RESOURCES ENHANCEMENT AND
21 PROTECTION

22 Sec. 21. IOWA RESOURCES ENHANCEMENT AND PROTECTION

23 FUND. There is appropriated from the environment

24 first fund created in section 8.57A to the Iowa

25 resources enhancement and protection fund for the

26 fiscal year beginning July 1, 2008, and ending June

27 30, 2009, the following amount, to be allocated as

28 provided in section 455A.19:

29 \$2,000,000

30 DIVISION VII

31 PRISON BONDING

32 Sec. 22. There is appropriated from the FY 2009

33 prison bonding fund created pursuant to section 12.79,

34 as enacted in this Act, to the department of

35 corrections for the fiscal year beginning July 1,

36 2008, and ending June 30, 2009, the following amount,

37 or so much thereof as is necessary, to be used for the

38 purpose designated:

39 For costs associated with the building of a new

40 Iowa State Penitentiary at Fort Madison:

41 \$130,677,500

42 The appropriation made in this section constitutes

43 approval by the general assembly for the issuance of

44 bonds by the treasurer pursuant to section 12.80, as

45 enacted in this Act.

46 Sec. 23. REVERSION. Notwithstanding section 8.33,

47 moneys appropriated in this division of this Act for

48 the fiscal year beginning July 1, 2008, and ending

49 June 30, 2009, shall not revert at the close of the

50 fiscal year for which they are appropriated but shall

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1 remain available for the purposes designated until the
2 close of the fiscal year that begins July 1, 2012, or
3 until the project for which the appropriation was made
4 is completed, whichever is earlier.

5 DIVISION VIII

6 CHANGES TO PRIOR APPROPRIATIONS

7 Sec. 24. 2001 Iowa Acts, chapter 185, section 30,

8 as amended by 2005 Iowa Acts, chapter 178, section 22,

9 2006 Iowa Acts, chapter 1179, section 27, and 2007

10 Iowa Acts, chapter 219, section 17, is amended to read

11 as follows:

12 SEC. 30. REVERSION.

13 1. Except as provided in subsections 2 and 3 and

14 notwithstanding section 8.33, moneys appropriated in

15 this division of this Act shall not revert at the
16 close of the fiscal year for which they were
17 appropriated but shall remain available for the
18 purposes designated until the close of the fiscal year
19 that begins July 1, 2004, or until the project for
20 which the appropriation was made is completed,
21 whichever is earlier.

22 2. Notwithstanding section 8.33, moneys
23 appropriated in section 25, subsection 3, paragraph
24 "b", of this division of this Act shall not revert at
25 the close of the fiscal year for which they were
26 appropriated but shall remain available for the
27 purpose designated until the close of the fiscal year
28 that begins July 1, 2006, or until the project for
29 which the appropriation was made is completed,
30 whichever is earlier.

31 3. Notwithstanding section 8.33, moneys
32 appropriated in section 28 of this division of this
33 Act shall not revert at the close of the fiscal year
34 for which they were appropriated but shall remain
35 available for the purpose designated until the close
36 of the fiscal year that begins July 1, ~~2007~~ 2008, or
37 until the project for which the appropriation was made
38 is completed, whichever is earlier.

39 Sec. 25. 2004 Iowa Acts, chapter 1175, section
40 290, is amended to read as follows:

41 SEC. 290. REVERSION.

42 1. Notwithstanding Except as provided in
43 subsections 2 and 3, and notwithstanding section 8.33,
44 moneys appropriated from the rebuild Iowa
45 infrastructure fund in this division of this Act shall
46 not revert at the close of the fiscal year for which
47 they were appropriated but shall remain available for
48 the purposes designated until the close of the fiscal
49 year that begins July 1, 2007, or until the project
50 for which the appropriation was made is completed,

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1 whichever is earlier. This ~~section~~ subsection does
2 not apply to the sections in this division of this Act
3 that were previously enacted and are amended in this
4 division of this Act.

5 2. Notwithstanding section 8.33, moneys
6 appropriated from the rebuild Iowa infrastructure fund
7 in this division of this Act in section 288,
8 subsection 4, paragraph "b", and section 288,
9 subsection 7, paragraph "d", shall not revert at the
10 close of the fiscal year for which they were
11 appropriated but shall remain available for the
12 purposes designated until the close of the fiscal year

13 that begins July 1, 2010, or until the project for
 14 which the appropriation was made is completed,
 15 whichever is earlier.
 16 3. Notwithstanding section 8.33, moneys
 17 appropriated from the rebuild Iowa infrastructure fund
 18 in this division of this Act in section 288,
 19 subsection 12, paragraph "a", shall not revert at the
 20 close of the fiscal year for which they were
 21 appropriated but shall remain available for the
 22 purposes designated until the close of the fiscal year
 23 that begins July 1, 2008, or until the project for
 24 which the appropriation was made is completed,
 25 whichever is earlier.

26 Sec. 26. 2005 Iowa Acts, chapter 178, section 19,
 27 subsection 3, as amended by 2007 Iowa Acts, chapter
 28 219, section 20, is amended to read as follows:

29 3. REVERSION.

30 ~~1. a.~~ Except as provided in ~~subsection 2~~
 31 ~~paragraphs "b" and "c"~~ and notwithstanding section
 32 8.33, moneys appropriated in this section shall not
 33 revert at the close of the fiscal year for which they
 34 were appropriated but shall remain available for the
 35 purposes designated until the close of the fiscal year
 36 that begins July 1, 2006, or until the project for
 37 which the appropriation was made is completed,
 38 whichever is earlier.

39 ~~2. b.~~ Notwithstanding section 8.33, moneys
 40 appropriated in ~~subsection 1, paragraph "a",~~
 41 ~~subparagraph (1), and~~ subsection 1, paragraph "g",
 42 shall not revert at the close of the fiscal year for
 43 which they were appropriated but shall remain
 44 available for the purpose designated until the close
 45 of the fiscal year that begins July 1, 2007, or until
 46 the project for which the appropriation was made is
 47 completed, whichever is earlier.

48 c. Notwithstanding section 8.33, moneys
 49 appropriated in subsection 1, paragraph "a",
 50 subparagraph (1), shall not revert at the close of the

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1 fiscal year for which they were appropriated but shall
 2 remain available for the purpose designated until the
 3 close of the fiscal year that begins July 1, 2008, or
 4 until the project for which the appropriation was made
 5 is completed, whichever is earlier.

6 Sec. 27. 2005 Iowa Acts, chapter 178, section 30,
 7 is amended to read as follows:

8 SEC. 30. DEPARTMENT OF ADMINISTRATIVE SERVICES.

9 1. There is appropriated from the vertical
 10 infrastructure fund to the department of

11 administrative services for the designated fiscal
 12 years, the following amounts, or so much thereof as ~~if~~
 13 is necessary, to be used for the purposes designated:
 14 For major renovation and major repair needs,
 15 including health, life, and fire safety needs, and for
 16 compliance with the federal Americans With
 17 Disabilities Act, for state buildings and facilities
 18 under the purview of the department:

19 FY 2006-2007	\$10,000,000
20 FY 2007-2008	\$40,000,000
21 FY 2008-2009	\$40,000,000
22	<u>0</u>

23 Notwithstanding section 8.33, moneys appropriated
 24 in this section shall not revert at the close of the
 25 fiscal year for which they were appropriated but shall
 26 remain available for the purposes designated until the
 27 close of the fiscal year that begins July 1, 2010, or
 28 until the project for which the appropriation was made
 29 is completed, whichever is earlier.

30 Sec. 28. 2005 Iowa Acts, chapter 179, section 13,
 31 unnumbered paragraph 2, as amended by 2006 Iowa Acts,
 32 chapter 1179, section 32, is amended to read as
 33 follows:

34 For major renovation and major repair needs,
 35 including health, life, and fire safety needs, and for
 36 compliance with the federal Americans With
 37 Disabilities Act, for state buildings and facilities
 38 under the purview of the community colleges:

39 FY 2006-2007	\$0
40 FY 2007-2008	\$2,000,000
41 FY 2008-2009	\$2,000,000
42	<u>0</u>

43 Sec. 29. 2006 Iowa Acts, chapter 1179, section 5,
 44 as amended by 2007 Iowa Acts, chapter 219, section 22,
 45 is amended to read as follows:

46 SEC. 5. DEPARTMENT OF ADMINISTRATIVE SERVICES.

47 There is appropriated from the rebuild Iowa
 48 infrastructure fund to the department of
 49 administrative services for the designated fiscal
 50 years, the following amounts, or so much thereof as is

1 necessary, to be used for the purposes designated:
 2 For planning, design, and construction ~~costs~~
 3 ~~associated with the construction~~ of a new
 4 ~~approximately 350,000 gross square foot~~ state office
 5 building, including costs associated with ~~furnishings,~~
 6 ~~employee relocation, and the demolition of the Wallace~~
 7 ~~Building furnishing the building:~~

8 FY 2007-2008	\$3,600,00
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9	FY 2008-2009	\$23,300,000
10	0
11	FY 2009-2010	\$12,657,100

12 The location, design, plans and specifications, and
 13 occupants of the building shall be determined jointly
 14 by the executive council and the department of
 15 administrative services in consultation with the
 16 capitol planning commission following an analysis of
 17 space needs to be completed no later than January 1,
 18 2009. Recommendations for the design, plans and
 19 specifications, and occupants shall be presented to
 20 the general assembly and the governor for approval by
 21 the start of the 2009 legislative session.

22 Notwithstanding section 8.33, moneys appropriated
 23 in this section shall not revert at the close of the
 24 fiscal year for which they were appropriated but shall
 25 remain available for the purposes designated until the
 26 close of the fiscal year that begins July 1, 2011, or
 27 until the project for which the appropriation was made
 28 is completed, whichever is earlier.

29 The design specifications of the new state office
 30 building shall include, at a minimum, energy
 31 efficiency specifications that exceed state building
 32 code requirements and have the potential for
 33 leadership in energy and environmental design silver
 34 certification from the United States green building
 35 council.

36 Sec. 30. 2006 Iowa Acts, chapter 1179, section 18,
 37 is amended to read as follows:

38 SEC. 18. REVERSION.

39 1. Except as provided in subsections 2, ~~and 3,~~ and
 40 4, notwithstanding section 8.33, moneys appropriated
 41 from the endowment for Iowa's health restricted
 42 capitals fund for the fiscal years that begin July 1,
 43 2005, and July 1, 2006, in this division of this Act
 44 that remain unencumbered or unobligated at the close
 45 of the fiscal year shall not revert but shall remain
 46 available for the purposes designated until the close
 47 of the fiscal year that begins July 1, 2009, or until
 48 the project for which the appropriation was made is
 49 completed, whichever is earlier.

50 2. Notwithstanding section 8.33, moneys

1 appropriated from the endowment for Iowa's health
 2 restricted capitals fund for the fiscal year that
 3 begins July 1, 2006, and ends June 30, 2007, in this
 4 division of this Act to the department of veterans
 5 affairs for capital improvement projects at the Iowa
 6 veterans home that remain unencumbered or unobligated

7 at the close of the fiscal year shall not revert but
8 shall remain available for expenditure for the
9 purposes designated until the close of the fiscal year
10 that begins July 1, 2010.

11 3. Notwithstanding section 8.33, moneys
12 appropriated from the endowment for Iowa's health
13 restricted capitals fund for the fiscal year beginning
14 July 1, 2006, and ending June 30, 2007, in this
15 division of this Act to the department of education
16 for major renovation and major repair needs at the
17 community colleges that remain unencumbered or
18 unobligated at the close of the fiscal year shall not
19 revert but shall remain available for expenditure for
20 the purposes designated until the close of the fiscal
21 year beginning July 1, 2010, or until the project for
22 which appropriated is completed, whichever is earlier.

23 4. Notwithstanding section 8.33, moneys
24 appropriated in section 16, subsection 3, paragraph
25 "a", that remain unencumbered or unobligated at the
26 close of the fiscal year shall not revert at the close
27 of the fiscal year for which they were appropriated
28 but shall remain available for the purposes designated
29 until the close of the fiscal year that begins July 1,
30 2010, or until the project for which the appropriation
31 was made is completed, whichever is earlier.

32 Sec. 31. 2006 Iowa Acts, chapter 1179, section 22,
33 is amended to read as follows:

34 SEC. 22. REVERSION.

35 1. Notwithstanding Except as provided in
36 subsections 2 and 3, and notwithstanding section 8.33,
37 moneys appropriated in this division of this Act that
38 remain unencumbered or unobligated at the close of the
39 fiscal year shall not revert but shall remain
40 available for the purposes designated until the close
41 of the fiscal year beginning July 1, 2007, or until
42 the project for which the appropriation was made is
43 completed, whichever is earlier.

44 2. Notwithstanding section 8.33, moneys
45 appropriated from the technology reinvestment fund in
46 this division of this Act in section 21, subsection 1,
47 shall not revert at the close of the fiscal year for
48 which they were appropriated but shall remain
49 available until the close of the fiscal year that
50 begins July 1, 2008, or until the project for which

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1 the appropriation was made is completed, whichever is
2 earlier.

3 3. Notwithstanding section 8.33, moneys
4 appropriated from the technology reinvestment fund in

5 this division of this Act in section 21, subsection 3,
6 paragraph "e", shall not revert at the close of the
7 fiscal year for which they were appropriated but shall
8 remain available until the close of the fiscal year
9 that begins July 1, 2010, or until the project for
10 which the appropriation was made is completed,
11 whichever is earlier.

12 Sec. 32. 2006 Iowa Acts, chapter 1179, sections 68
13 and 69, are amended to read as follows:

14 SEC. 68. WASTEWATER TREATMENT FINANCIAL ASSISTANCE
15 FUND – IOWA FINANCE AUTHORITY. There is appropriated
16 from any interest or earnings on moneys in the federal
17 economic stimulus and jobs holding account to the Iowa
18 finance authority for deposit in the wastewater
19 treatment financial assistance fund created in section
20 16.134, the following amount:

21 \$4,000,000

22 Notwithstanding section 8.33, moneys appropriated
23 in this section shall not revert at the close of the
24 fiscal year for which they are appropriated but shall
25 remain available for the purposes designated until the
26 close of the fiscal year that begins July 1, 2008.

27 SEC. 69. RESOURCE CONSERVATION AND DEVELOPMENT
28 PROJECTS – DEPARTMENT OF NATURAL RESOURCES. There is
29 appropriated from any interest or earnings on moneys
30 in the federal economic stimulus and jobs holding
31 account to the department of natural resources for the
32 development of projects relating to natural
33 resource-based business opportunities, the following
34 amount:

35 \$300,000

36 Local resource conservation and development groups
37 sponsored by county governments or sponsored by soil
38 and water conservation districts shall be eligible to
39 receive funding on the condition that such groups
40 receive dollar-for-dollar funding.

41 Notwithstanding section 8.33, moneys appropriated
42 in this section shall not revert at the close of the
43 fiscal year for which they are appropriated but shall
44 remain available for the purposes designated until the
45 close of the fiscal year that begins July 1, 2008.

46 Sec. 33. 2007 Iowa Acts, chapter 219, section 1,
47 subsection 2, is amended to read as follows:

48 ~~2.~~ 1. For distribution to other governmental
49 entities:

50 \$2,000,000

1 Moneys appropriated in this lettered paragraph
2 shall be separately accounted for in a distribution

3 account and shall be distributed to other governmental
 4 entities based upon a formula established by the
 5 department to pay for services provided during the
 6 fiscal year to such other governmental entities by the
 7 department associated with the integrated information
 8 for Iowa system, notwithstanding section 8.57,
 9 subsection 6, paragraph "c": ~~Additionally, the~~
 10 ~~department may use any unexpended or unencumbered~~
 11 ~~amount in the distribution account for the purchase of~~
 12 ~~an existing license for which the state has made~~
 13 ~~partial payment. Any remaining balance in the~~
 14 ~~distribution account as of June 30, 2008, shall not~~
 15 ~~revert but shall remain available to be used for~~
 16 ~~additional operating expenses related to the~~
 17 ~~integrated information for Iowa system during the~~
 18 ~~subsequent fiscal year.~~

19 Sec. 34. 2007 Iowa Acts, chapter 219, section 3,
 20 is amended to read as follows:

21 SEC. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES.

22 There is appropriated from the rebuild Iowa
 23 infrastructure fund for the fiscal year beginning July
 24 1, 2008, and ending June 30, 2009, the following
 25 amount, or so much thereof as is necessary, to be used
 26 for the purpose designated:

27 For capital improvements at the civil commitment
 28 unit for the sexual offenders facility at Cherokee:
 29 \$820,000
 30 0

31 ~~Notwithstanding section 8.33, moneys appropriated~~
 32 ~~in this section shall not revert at the close of the~~
 33 ~~fiscal year for which they were appropriated but shall~~
 34 ~~remain available for the purposes designated until the~~
 35 ~~close of the fiscal year that begins July 1, 2011, or~~
 36 ~~until the project for which the appropriation was made~~
 37 ~~is completed, whichever is earlier.~~

38 Sec. 35. 2008 Iowa Acts, [Senate File 2420](#), section
 39 27, is amended to read as follows:

40 SEC. 27. PUBLIC TRANSIT FUNDING STUDY. The
 41 department of transportation, in cooperation with the
 42 office of energy independence and the department of
 43 natural resources, shall review the current revenues
 44 available for support of public transit and the
 45 sufficiency of those revenues to meet future needs.
 46 The review shall include but is not limited to
 47 identifying transit improvements needed to meet state
 48 energy independence goals and an assessment of how the
 49 state's support of public transit is positioned to
 50 meet the mobility needs of Iowa's growing senior

1 population. The department shall submit a report to

2 the governor and the general assembly on or before
3 December ~~1, 2009~~ 31, 2008.

4 Sec. 36. EFFECTIVE DATE. The sections of this
5 division of this Act amending 2001 Iowa Acts, chapter
6 185, 2004 Iowa Acts, chapter 1175, 2005 Iowa Acts,
7 chapters 178 and 179, 2006 Iowa Acts, chapter 1179,
8 sections 5, 18, 22, 68, and 69 and 2007 Iowa Acts,
9 chapter 219, sections 1 and 3, being deemed of
10 immediate importance, take effect upon enactment.

11 DIVISION IX

12 MISCELLANEOUS CODE CHANGES

13 Sec. 37. Section 8.57, subsection 6, paragraph c,
14 Code Supplement 2007, is amended to read as follows:

15 c. Moneys in the fund in a fiscal year shall be
16 used as directed by the general assembly for public
17 vertical infrastructure projects. For the purposes of
18 this subsection, "vertical infrastructure" includes
19 only land acquisition and construction, major
20 renovation and major repair of buildings, all
21 appurtenant structures, utilities, site development,
22 and recreational trails. "Vertical infrastructure"
23 does not include routine, recurring maintenance or
24 operational expenses or leasing of a building,
25 appurtenant structure, or utility without a
26 lease-purchase agreement. ~~However, appropriations may
27 be made for the fiscal years beginning July 1, 1997,
28 and July 1, 1998, for the purpose of funding the
29 completion of Part III of the Iowa communications
30 network.~~

31 Sec. 38. Section 8.57A, subsection 4, Code
32 Supplement 2007, is amended to read as follows:

33 4. There is appropriated from the rebuild Iowa
34 infrastructure fund for the fiscal year beginning July
35 1, ~~2007~~ 2008, and for each fiscal year thereafter, the
36 sum of ~~forty~~ forty-two million dollars to the
37 environment first fund, notwithstanding section 8.57,
38 subsection 6, paragraph "c".

39 Sec. 39. Section 8.57B, Code Supplement 2007, is
40 amended to read as follows:

41 8.57B VERTICAL INFRASTRUCTURE FUND.

42 1. A vertical infrastructure fund is created under
43 the authority of the department of management. The
44 fund shall consist of appropriations made to the fund
45 and transfers of interest, earnings, and moneys from
46 other funds as provided by law. The fund shall be
47 separate from the general fund of the state and the
48 balance in the fund shall not be considered part of
49 the balance of the general fund of the state.

50 However, the fund shall be considered a special

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1 account for the purposes of section 8.53, relating to
2 generally accepted accounting principles.

3 2. Notwithstanding section 12C.7, subsection 2,
4 interest or earnings on moneys in the vertical
5 infrastructure fund shall be credited to the rebuild
6 Iowa infrastructure fund.

7 3. Moneys in the fund in a fiscal year shall be
8 used as appropriated by the general assembly for
9 public vertical infrastructure projects. For the
10 purposes of this section, "vertical infrastructure"
11 includes only land acquisition and construction, major
12 renovation, and major repair of buildings, all
13 appurtenant structures, utilities, and site
14 development. "Vertical infrastructure" does not
15 include routine, recurring maintenance, debt service,
16 or operational expenses or leasing of a building,
17 appurtenant structure, or utility without a
18 lease-purchase agreement.

19 4. There is appropriated from the rebuild Iowa
20 infrastructure fund to the vertical infrastructure
21 fund, the following:

22 a. For the fiscal year beginning July 1, 2005, and
23 ending June 30, 2006, the sum of fifteen million
24 dollars.

25 b. For the fiscal year beginning July 1, 2006, and
26 ending June 30, 2007, the sum of fifteen million
27 dollars.

28 c. For the fiscal year beginning July 1, 2007, and
29 ending June 30, 2008, the sum of fifty million
30 dollars.

31 ~~d. For the fiscal year beginning July 1, 2008, and~~
32 ~~ending June 30, 2009, the sum of fifty million~~
33 ~~dollars.~~

34 5. Annually, on or before January 15 of each year,
35 a state agency that received an appropriation from the
36 vertical infrastructure fund shall report to the
37 legislative services agency and the department of
38 management the status of all projects completed or in
39 progress. The report shall include a description of
40 the project, the progress of work completed, the total
41 estimated cost of the project, a list of all revenue
42 sources being used to fund the project, the amount of
43 funds expended, the amount of funds obligated, and the
44 date the project was completed or an estimated
45 completion date of the project, where applicable.

46 6. On July 1, 2008, any unobligated and
47 unencumbered balance in the vertical infrastructure

48 fund shall be transferred to the rebuild Iowa
49 infrastructure fund. This subsection is repealed July
50 1, 2010.

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1 Sec. 40. Section 8.57C, subsection 3, Code
2 Supplement 2007, is amended to read as follows:
3 3. a. There is appropriated from the general fund
4 of the state for the fiscal ~~year~~ years beginning July
5 1, 2006, July 1, 2007, July 1, 2010, and for each
6 subsequent fiscal year ~~thereafter~~, the sum of
7 seventeen million five hundred thousand dollars to the
8 technology reinvestment fund.

9 b. There is appropriated from the rebuild Iowa
10 infrastructure fund for each fiscal year of the fiscal
11 period beginning July 1, 2008, and ending June 30,
12 2010, the sum of seventeen million five hundred
13 thousand dollars to the technology reinvestment fund.
14 notwithstanding section 8.57, subsection 6, paragraph
15 "c".

16 Sec. 41. NEW SECTION. 12.79 FY 2009 PRISON
17 BONDING FUND.

18 1. An FY 2009 prison bonding fund is created as a
19 separate fund in the state treasury. Moneys in the
20 fund shall not be subject to appropriation for any
21 other purpose by the general assembly, but shall be
22 used only for the purposes of the FY 2009 prison
23 bonding fund.

24 2. Revenue for the fund shall consist of the net
25 proceeds from the bonds issued pursuant to section
26 12.80.

27 3. Moneys in the fund in a fiscal year shall be
28 used as appropriated by the general assembly for
29 prison improvement and prison construction projects.

30 4. Moneys in the fund are not subject to section
31 8.33. Notwithstanding section 12C.7, subsection 2,
32 interest or earnings on moneys in the fund shall be
33 credited to the fund.

34 5. Annually, on or before January 15 of each year,
35 the department of corrections shall report to the
36 legislative services agency and the department of
37 management the status of all projects completed or in
38 progress. The report shall include a description of
39 the project, the work completed, the total estimated
40 cost of the project, a list of all revenue sources
41 being used to fund the project, the amount of funds
42 expended, the amount of funds obligated, and the date
43 the project was completed or an estimated completion
44 date of the project, where applicable.

45 Sec. 42. NEW SECTION. 12.80 GENERAL AND SPECIFIC
46 BONDING POWERS – PRISON INFRASTRUCTURE.

47 1. The treasurer of state is authorized to issue
48 bonds to provide prison infrastructure financing as
49 provided in this section. Bonds shall be issued in
50 accordance with the provisions of chapter 12A.

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1 2. Bonds issued under this section are payable
2 solely and only out of the moneys, assets, or revenues
3 of the prison infrastructure fund established in
4 section 602.8108A, and other moneys available as
5 provided in this section, all of which may be
6 deposited with trustees or depositories in accordance
7 with bond or security documents, and are not an
8 indebtedness of this state, or a charge against the
9 general credit or general fund of the state, and the
10 state shall not be liable for the bonds except from
11 amounts on deposit in the prison infrastructure fund
12 and other moneys available as provided in this
13 section. Bonds issued under this section shall
14 contain a statement that the bonds do not constitute
15 an indebtedness of the state.

16 3. Bonds issued under this section are declared to
17 be issued for an essential public and governmental
18 purpose and all bonds issued under this section shall
19 be exempt from taxation by the state of Iowa and the
20 interest on the bonds shall be exempt from the state
21 income tax and the state inheritance tax.

22 4. The net proceeds from the bonds issued under
23 this section shall be deposited into the FY 2009
24 prison bonding fund.

25 5. The treasurer of state shall cooperate with the
26 department of corrections in the implementation of
27 this section.

28 6. In order to assure maintenance of bond reserve
29 funds, an issuer shall, on or before January 1 of each
30 calendar year, make and deliver to the governor the
31 issuer's certificate stating the sum, if any, required
32 to restore each bond reserve fund to the bond reserve
33 fund requirement for that fund. Within thirty days
34 after the beginning of the session of the general
35 assembly next following the delivery of the
36 certificate, the governor shall submit to both houses
37 printed copies of a budget including the sum, if any,
38 required to restore each bond reserve fund to the bond
39 reserve fund requirement for that fund. Any sums
40 appropriated by the general assembly and paid to the
41 issuer pursuant to this subsection shall be deposited
42 by the issuer in the applicable bond reserve fund.

43 Sec. 43. NEW SECTION. 12.101 FAIRGROUNDS
44 INFRASTRUCTURE AID FUND.

45 1. A fairgrounds infrastructure aid fund is

46 created in the state treasury under the control of the
47 treasurer of state. The fund is separate from the
48 general fund of the state. The fund is composed of
49 moneys appropriated by the general assembly and moneys
50 available to and obtained or accepted by the treasurer

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1 of state from the United States government or private
2 sources for placement in the fund.

3 2. Moneys in the fairgrounds infrastructure aid
4 fund are appropriated to the treasurer of state
5 exclusively to support the payment of infrastructure
6 aid as provided in section 12.102. Moneys in the fund
7 shall not be allocated to the treasurer of state to
8 reimburse the treasurer of state for administrative
9 costs.

10 3. Notwithstanding section 12C.7, interest or
11 earnings on moneys in the fairgrounds infrastructure
12 aid fund shall be credited to the fund.
13 Notwithstanding section 8.33, unencumbered and
14 unobligated moneys remaining in the fund at the close
15 of each fiscal year shall not revert but shall remain
16 available in the fund.

17 Sec. 44. NEW SECTION. 12.102 PAYMENT OF
18 INFRASTRUCTURE AID.

19 1. The treasurer of state shall award
20 infrastructure aid to a fair necessary for the fair to
21 make improvements to the permanent infrastructure of
22 its fairgrounds, including the construction, major
23 renovation, or major repair of buildings, appurtenant
24 structures, or utilities.

25 2. The treasurer of state, in cooperation with the
26 association of Iowa fairs, shall provide criteria for
27 eligibility for infrastructure aid by rule. The
28 treasurer of state must receive an application for an
29 award on or after July 1 and before December 1 of each
30 year. An award of infrastructure aid to an eligible
31 fair shall be in the form of a grant. The treasurer
32 of state shall meet with representatives of the
33 association of Iowa fairs. The representatives shall
34 be available to advise the treasurer of state when the
35 treasurer of state makes decisions regarding the
36 awarding of infrastructure aid.

37 3. In order to receive infrastructure aid, the
38 management of an eligible fair must execute a
39 cost-share agreement with the treasurer of state, with
40 the treasurer of state contributing two dollars for
41 each dollar contributed by the fair.

42 4. The infrastructure aid awarded to a fair cannot
43 be less than five thousand dollars or more than fifty
44 thousand dollars during any fiscal year. The

45 treasurer of state may approve multiple awards to make
46 improvements to a fair's fairgrounds so long as the
47 total amount awarded does not exceed the limitations
48 provided in this subsection.

49 Sec. 45. Section 12E.10, subsection 1, paragraph
50 a, subparagraphs (2) and (3), Code 2007, are amended

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1 to read as follows:

2 (2) The authority shall issue tax-exempt bonds ~~in~~
3 ~~an amount that is as necessary in amounts determined~~
4 ~~by the authority~~ sufficient to provide net proceeds ~~in~~
5 ~~an amount of not more than five hundred forty million~~
6 ~~dollars~~ for deposit in the tax-exempt bond proceeds
7 restricted capital funds account of the tobacco
8 settlement trust fund, to be used for capital
9 projects, certain debt service on outstanding
10 obligations which funded capital projects, and
11 attorney fees related to the master settlement
12 agreement.

13 (3) The authority may also issue taxable bonds or
14 tax-exempt bonds to provide additional amounts to be
15 used for the purposes specified in section 12.65.

16 Sec. 46. Section 12E.10, subsection 1, paragraph
17 b, Code 2007, is amended to read as follows:

18 b. It is the expectation of the state that not
19 less than eighty-five percent of the proceeds
20 ~~deposited in the tax-exempt bond proceeds restricted~~
21 ~~capital funds account of the tobacco settlement trust~~
22 ~~fund of any issue of tax-exempt bonds~~ will be expended
23 within five years from the effective date of the sale,
24 consistent with the requirements of federal law, and
25 that the specific capital projects, debt service, and
26 attorney fees payments shall be determined annually
27 through appropriations authorized by a constitutional
28 majority of each house of the general assembly and
29 approved by the governor.

30 Sec. 47. Section 12E.10, subsection 1, Code 2007,
31 is amended by adding the following new paragraph:

32 NEW PARAGRAPH. c. The authority may issue
33 tax-exempt bonds if the securitization of any
34 remaining tobacco settlement payments will result in
35 the deposit of net proceeds of not less than one
36 hundred eighty-three million dollars for tax-exempt
37 bonds issued after July 1, 2008.

38 Sec. 48. Section 12E.12, subsection 1, paragraph
39 b, Code 2007, is amended by adding the following new
40 subparagraph:

41 NEW SUBPARAGRAPH. (1A) The FY 2009 tax-exempt
42 bond proceeds restricted capital funds account. The
43 net proceeds of tax-exempt bonds issued after July 1,

44 2008, as a result of the securitization of any
45 remaining tobacco settlement payments to provide funds
46 for capital projects which the treasurer of state is
47 authorized and directed to deposit on behalf of the
48 state shall be deposited in the account and shall be
49 used to fund capital projects. With respect to
50 capital projects, it is the intent of the general

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1 assembly to fund capital projects that qualify as
2 vertical infrastructure projects as defined in section
3 8.57, subsection 6, paragraph "c", to the extent
4 practicable in any fiscal year and without limiting
5 other qualifying capital expenditures considered and
6 approved by a constitutional majority of each house of
7 the general assembly and the governor.

8 Sec. 49. Section 12E.12, subsection 9, Code 2007,
9 is amended to read as follows:

10 9. Annually, on or before January ~~1~~ 15 of each
11 year, a state agency that received an appropriation
12 from the tobacco settlement trust fund ~~for the~~
13 ~~preceding fiscal year~~ shall report to the ~~joint~~
14 ~~transportation, infrastructure, and capitals~~
15 ~~appropriation subcommittee, the legislative services~~
16 ~~agency, and the department of management, and the~~
17 ~~legislative capital projects committee of the~~
18 ~~legislative council~~ the status of all ongoing projects
19 ~~for which an appropriation from the fund has been made~~
20 ~~completed or in progress~~. The report shall include a
21 description of the project, the progress of work
22 completed, the total estimated cost of the project, a
23 list of all revenue sources being used to fund the
24 project, the amount of funds expended, the amount of
25 funds obligated, and ~~the date the project was~~
26 ~~completed or~~ an estimated completion date of the
27 project, ~~where applicable~~.

28 Sec. 50. Section 15F.204, subsection 8, paragraph
29 a, subparagraphs (5) and (6), Code 2007, are amended
30 to read as follows:

31 (5) For the fiscal year beginning July 1, 2008,
32 and ending June 30, 2009, the sum of ~~five~~ twelve
33 million dollars.

34 (6) For the fiscal year beginning July 1, 2009,
35 and ending June 30, 2010, the sum of ~~five~~ twelve
36 million dollars.

37 Sec. 51. Section 15F.204, subsection 8, paragraph
38 b, subparagraphs (4) and (5), Code 2007, are amended
39 by striking the subparagraphs.

40 Sec. 52. Section 15G.110, Code 2007, is amended to
41 read as follows:

42 15G.110 APPROPRIATION.

43 1. For the fiscal period beginning July 1, 2005,
44 and ending June 30, 2008, and for the fiscal period
45 beginning July 1, 2010, and ending June 30, 2015,
46 there is appropriated to the department of economic
47 development each fiscal year fifty million dollars
48 from the general fund of the state for deposit in the
49 grow Iowa values fund.
50 2. For the fiscal period beginning July 1, 2008,

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1 and ending June 30, 2010, there is appropriated to the
2 department of economic development each fiscal year
3 fifty million dollars from the rebuild Iowa
4 infrastructure fund for deposit in the grow Iowa
5 values fund, notwithstanding section 8.57, subsection
6 6, paragraph "c".

7 Sec. 53. Section 15G.111, subsection 1, paragraph
8 c, Code Supplement 2007, is amended to read as
9 follows:

10 c. The department shall require an applicant for
11 moneys appropriated under this subsection to include
12 in the application a statement regarding the intended
13 return on investment. A recipient of moneys
14 appropriated under this subsection shall annually
15 submit a statement to the department regarding the
16 progress achieved on the intended return on investment
17 stated in the application. A recipient of moneys
18 appropriated under this subsection shall also annually
19 submit a statement to the department regarding the
20 type and amount of funds spent on any major
21 maintenance, repair, or renovation of any new or
22 existing building. The department, in cooperation
23 with the department of revenue, shall develop a method
24 of identifying and tracking each new job created and
25 the leveraging of moneys through financial assistance
26 from moneys appropriated under this subsection. The
27 department of economic development shall identify
28 research and development activities funded through
29 financial assistance from not more than ten percent of
30 the moneys appropriated under this subsection, and,
31 instead of determining return on investment and job
32 creation for the identified funding, determine the
33 potential impact on the state's economy. The
34 department's annual project status report satisfies
35 the reporting requirement contained in this section.

36 Sec. 54. NEW SECTION. 16.181A HOUSING TRUST FUND
37 – APPROPRIATIONS.

38 There is appropriated from the rebuild Iowa
39 infrastructure fund to the Iowa finance authority for
40 deposit in the housing trust fund created in section
41 16.181, for the fiscal year beginning July 1, 2009,

42 and ending June 30, 2010, and for each succeeding
43 fiscal year, the sum of three million dollars.
44 Sec. 55. Section 303.3D, subsections 2 and 4, Code
45 2007, are amended to read as follows:
46 2. Moneys appropriated for a fiscal year to the
47 fund shall be used by the general assembly to fund
48 capital infrastructure projects for identified Iowa
49 great places through the Iowa great places program
50 established in section 303.3C. Moneys appropriated

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1 for a fiscal year shall be available for a project
2 identified in an Iowa great places agreement for a
3 period of three years from the time the project is
4 identified.
5 4. Notwithstanding section 8.33, moneys credited
6 to the great places program fund shall not revert to
7 the fund from which appropriated but shall remain
8 available for expenditure for the purposes designated
9 for subsequent fiscal years.

10 Sec. 56. Section 428A.8, Code 2007, is amended to
11 read as follows:

12 428A.8 REMITTANCE TO STATE TREASURER – PORTION
13 RETAINED IN COUNTY.

14 1. On or before the tenth day of each month the
15 county recorder shall determine and pay to the
16 treasurer of state eighty-two and three-fourths
17 percent of the receipts from the real estate transfer
18 tax collected during the preceding month and the
19 treasurer of state shall deposit ~~ninety-five percent~~
20 ~~of the receipts in the general fund of the state and~~
21 ~~transfer five percent of the receipts to the shelter~~
22 ~~assistance fund created in section 15.349 as provided~~
23 in subsection 2.

24 The county recorder shall deposit the remaining
25 seventeen and one-fourth percent of the receipts in
26 the county general fund.

27 Any tax or additional tax found to be due shall be
28 collected by the county recorder. If the county
29 recorder is unable to collect the tax, the director of
30 revenue shall collect the tax in the same manner as
31 taxes are collected in chapter 422, division III. If
32 collected by the director of revenue, the director
33 shall pay the county its proportionate share of the
34 tax. Section 422.25, subsections 1, 2, 3, and 4, and
35 sections 422.26, 422.28 through 422.30, and 422.73,
36 consistent with this chapter, apply with respect to
37 the collection of any tax or additional tax found to
38 be due, in the same manner and with the same effect as
39 if the deed, instrument, or writing were an income tax
40 return within the meaning of those statutes.

41 The county recorder shall keep records and make
42 reports with respect to the real estate transfer tax
43 as the director of revenue prescribes.

44 2. The treasurer of state shall deposit or
45 transfer the receipts paid the treasurer of state
46 pursuant to subsection 1 to either the general fund of
47 the state, the housing trust fund created in section
48 16.181, or the shelter assistance fund created in
49 section 15.349 as follows:

50 a. For the fiscal year beginning July 1, 2009,

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1 ninety percent of the receipts shall be deposited in
2 the general fund, five percent of the receipts shall
3 be transferred to the housing trust fund, and five
4 percent of the receipts shall be transferred to the
5 shelter assistance fund.

6 b. For the fiscal year beginning July 1, 2010,
7 eighty-five percent of the receipts shall be deposited
8 in the general fund, ten percent of the receipts shall
9 be transferred to the housing trust fund, and five
10 percent of the receipts shall be transferred to the
11 shelter assistance fund.

12 c. For the fiscal year beginning July 1, 2011,
13 eighty percent of the receipts shall be deposited in
14 the general fund, fifteen percent of the receipts
15 shall be transferred to the housing trust fund, and
16 five percent of the receipts shall be transferred to
17 the shelter assistance fund.

18 d. For the fiscal year beginning July 1, 2012,
19 seventy-five percent of the receipts shall be
20 deposited in the general fund, twenty percent of the
21 receipts shall be transferred to the housing trust
22 fund, and five percent of the receipts shall be
23 transferred to the shelter assistance fund.

24 e. For the fiscal year beginning July 1, 2013,
25 seventy percent of the receipts shall be deposited in
26 the general fund, twenty-five percent of the receipts
27 shall be transferred to the housing trust fund, and
28 five percent of the receipts shall be transferred to
29 the shelter assistance fund.

30 f. For the fiscal year beginning July 1, 2014, and
31 each succeeding fiscal year, sixty-five percent of the
32 receipts shall be deposited in the general fund,
33 thirty percent of the receipts shall be transferred to
34 the housing trust fund, and five percent of the
35 receipts shall be transferred to the shelter
36 assistance fund.

37 3. Notwithstanding subsection 2, the amount of
38 money that shall be transferred pursuant to this
39 section to the housing trust fund in any one fiscal

40 year shall not exceed three million dollars. Any
 41 money that otherwise would be transferred pursuant to
 42 this section to the housing trust fund in excess of
 43 that amount shall be deposited in the general fund of
 44 the state.

45 Sec. 57. Section 602.8108A, Code Supplement 2007,
 46 is amended to read as follows:

47 602.8108A PRISON INFRASTRUCTURE FUND.

48 1. The Iowa prison infrastructure fund is created
 49 and established as a separate and distinct fund in the
 50 state treasury. Notwithstanding any other provision

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1 of this chapter to the contrary, the first eight
 2 million dollars and, beginning July 1, 1997, the first
 3 nine million five hundred thousand dollars, of moneys
 4 remitted to the treasurer of state from fines, fees,
 5 costs, and forfeited bail collected by the clerks of
 6 the district court in criminal cases, including those
 7 collected for both scheduled and nonscheduled
 8 violations, collected in each fiscal year commencing
 9 with the fiscal year beginning July 1, 1995, shall be
 10 deposited in the fund. Beginning July 1, 2009, the
 11 treasurer of state shall certify to the judicial
 12 branch the annual amount of funds necessary to be
 13 remitted for deposit into the fund for that fiscal
 14 year and such moneys shall be remitted to the
 15 treasurer of state from fines, fees, costs, and
 16 forfeited bail collected by the clerks of the district
 17 court in criminal cases, including those collected for
 18 both scheduled and nonscheduled violations, for debt
 19 payments expected to be paid from the fund. Interest
 20 and other income earned by the fund shall be deposited
 21 in the fund. However, beginning with the fiscal year
 22 beginning July 1, 1998, all fines and fees
 23 attributable to commercial vehicle violation citations
 24 issued after July 1, 1998, shall be deposited as
 25 provided in section 602.8108, subsection 8. ~~If the~~
 26 ~~treasurer of state determines pursuant to 1994 Iowa~~
 27 ~~Acts, ch. 1106, that bonds can be issued pursuant to~~
 28 ~~this section and section 16.177, then the~~ The moneys
 29 in the fund are appropriated ~~to~~ and shall have
 30 priority and precedence for the purpose of paying the
 31 principal of, premium, if any, and interest on bonds
 32 issued by the Iowa finance authority under section
 33 16.177. Any remaining moneys not otherwise
 34 appropriated for purposes of paying the principal,
 35 premium, and interest on the bonds issued by the Iowa
 36 finance authority pursuant to section 16.177 shall be
 37 available and appropriated to the treasurer of state
 38 pursuant to section 12.80. Except as otherwise

39 provided in subsection 2, amounts in the funds shall
40 not be subject to appropriation for any purpose by the
41 general assembly, but shall be used only for the
42 purposes set forth in this section. The treasurer of
43 state shall act as custodian of the fund and disburse
44 amounts contained in it as directed by the department
45 of corrections including the automatic disbursement of
46 funds pursuant to the terms of bond indentures and
47 documents and security provisions to trustees and
48 custodians. The treasurer of state is authorized to
49 invest the funds deposited in the fund subject to any
50 limitations contained in any applicable bond

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1 proceedings. Any amounts remaining in the fund at the
2 end of each fiscal year shall be transferred to the
3 general fund of the state.
4 2. If the treasurer of state determines that bonds
5 cannot be issued pursuant to this section and ~~section~~
6 sections 12.80 and 16.177; or if there are any
7 remaining moneys at the end of a fiscal year after the
8 appropriations are paid pursuant to sections 12.80 and
9 16.177 the treasurer of state shall deposit the moneys
10 in the prison infrastructure fund into the general
11 fund of the state.

12 DIVISION X

13 MISCELLANEOUS

14 Sec. 58. IOWA VETERANS HOME DESIGN SERVICES
15 CONTRACT. The department of administrative services
16 is authorized to contract for design services related
17 to the planned expansion project to be completed at
18 the Iowa veterans home as provided in section 8A.311,
19 subsection 3. It is the intent of the general
20 assembly that this authorization is necessary to
21 secure the award of federal funding recently made and
22 to eliminate the uncertainty of securing such funding
23 in the future.
24 Sec. 59. The section of this division of this Act,
25 relating to the Iowa veterans home design services
26 contract, being deemed of immediate importance, takes
27 effect upon enactment."

Amendment [H-8717](#) was adopted.

[SENATE FILE 2432](#) SUBSTITUTED FOR [HOUSE FILE 2701](#)

Cohon of Des Moines asked and received unanimous consent to substitute [Senate File 2432](#) for [House File 2701](#).

[Senate File 2432](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bonding fund, and related matters, and providing effective and retroactive applicability date provisions, was taken up for consideration.

Raecker of Polk offered the following amendment [H-8725](#) filed by Raecker, Huseman of Cherokee, Gipp of Winneshiek and Rants of Woodbury from the floor and moved its adoption:

[H-8725](#)

- 1 Amend [Senate File 2432](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 10, by striking the word
- 4 "notwithstanding" and inserting the following: "if
- 5 the project meets the definition of "vertical
- 6 infrastructure" in".
- 7 2. Page 1, line 14, by striking the word
- 8 "notwithstanding" and inserting the following: "if
- 9 the project meets the definition of "vertical
- 10 infrastructure" in".
- 11 3. Page 1, line 17, by striking the word
- 12 "notwithstanding" and inserting the following: "if
- 13 the project meets the definition of "vertical
- 14 infrastructure" in".
- 15 4. Page 1, line 23, by striking the word
- 16 "notwithstanding" and inserting the following: "if
- 17 the project meets the definition of "vertical
- 18 infrastructure" in".
- 19 5. Page 1, line 31, by striking the word
- 20 "notwithstanding" and inserting the following: "if
- 21 the project meets the definition of "vertical
- 22 infrastructure" in".
- 23 6. Page 2, line 8, by striking the word
- 24 "notwithstanding" and inserting the following: "if
- 25 the project meets the definition of "vertical
- 26 infrastructure" in".
- 27 7. Page 2, line 16, by striking the word
- 28 "notwithstanding" and inserting the following: "if
- 29 the project meets the definition of "vertical
- 30 infrastructure" in".
- 31 8. Page 2, line 27, by striking the word
- 32 "notwithstanding" and inserting the following: "if

33 the project meets the definition of "vertical
34 infrastructure" in".
35 9. Page 3, line 5, by striking the word
36 "notwithstanding" and inserting the following: "if
37 the project meets the definition of "vertical
38 infrastructure" in".
39 10. Page 3, line 10, by striking the word
40 "notwithstanding" and inserting the following: "if
41 the project meets the definition of "vertical
42 infrastructure" in".
43 11. Page 3, line 14, by striking the word
44 "notwithstanding" and inserting the following: "if
45 the project meets the definition of "vertical
46 infrastructure" in".
47 12. Page 3, line 18, by striking the word
48 "notwithstanding" and inserting the following: "if
49 the project meets the definition of "vertical
50 infrastructure" in".

Page 2

1 13. Page 4, line 18, by striking the word
2 "notwithstanding" and inserting the following: "if
3 the project meets the definition of "vertical
4 infrastructure" in".
5 14. Page 4, line 22, by striking the word
6 "notwithstanding" and inserting the following: "if
7 the project meets the definition of "vertical
8 infrastructure" in".
9 15. Page 5, line 5, by striking the word
10 "notwithstanding" and inserting the following: "if
11 the project meets the definition of "vertical
12 infrastructure" in".
13 16. Page 5, line 14, by striking the word
14 "notwithstanding" and inserting the following: "if
15 the project meets the definition of "vertical
16 infrastructure" in".
17 17. Page 5, line 27, by striking the word
18 "notwithstanding" and inserting the following: "if
19 the project meets the definition of "vertical
20 infrastructure" in".
21 18. Page 5, line 33, by striking the word
22 "notwithstanding" and inserting the following: "if
23 the project meets the definition of "vertical
24 infrastructure" in".
25 19. Page 6, line 11, by striking the word
26 "notwithstanding" and inserting the following: "if
27 the project meets the definition of "vertical
28 infrastructure" in".
29 20. Page 6, line 19, by striking the word
30 "notwithstanding" and inserting the following: "if

31 the project meets the definition of "vertical
32 infrastructure" in".
33 21. Page 8, line 32, by striking the word
34 "notwithstanding" and inserting the following: "if
35 the project meets the definition of "vertical
36 infrastructure" in".
37 22. Page 9, line 22, by striking the word
38 "notwithstanding" and inserting the following: "if
39 the project meets the definition of "vertical
40 infrastructure" in".
41 23. Page 9, line 28, by striking the word
42 "notwithstanding" and inserting the following: "if
43 the project meets the definition of "vertical
44 infrastructure" in".
45 24. Page 10, line 22, by striking the word
46 "notwithstanding" and inserting the following: "if
47 the project meets the definition of "vertical
48 infrastructure" in".
49 25. Page 10, line 33, by striking the word
50 "notwithstanding" and inserting the following: "if

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1 the project meets the definition of "vertical
2 infrastructure" in".
3 26. Page 11, line 10, by striking the word
4 "notwithstanding" and inserting the following: "if
5 the project meets the definition of "vertical
6 infrastructure" in".
7 27. Page 12, line 11, by striking the word
8 "notwithstanding" and inserting the following: "if
9 the project meets the definition of "vertical
10 infrastructure" in".
11 28. Page 12, line 35, by striking the word
12 "notwithstanding" and inserting the following: "if
13 the project meets the definition of "vertical
14 infrastructure" in".
15 29. Page 13, line 8, by striking the word
16 "notwithstanding" and inserting the following: "if
17 the project meets the definition of "vertical
18 infrastructure" in".
19 30. Page 14, line 16, by striking the word
20 "notwithstanding" and inserting the following: "if
21 the project meets the definition of "vertical
22 infrastructure" in".
23 31. By renumbering as necessary.

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

On the question “Shall amendment [H-8725](#) be adopted?” ([S.F. 2432](#))

The ayes were, 43:

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

The nays were, 52:

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

Absent or not voting, 5:

Ford	Hoffman	Jacobs	Roberts
Van Engelenhoven			

Amendment [H-8725](#) lost.

Van Fossen of Scott offered the following amendment [H-8724](#) filed by him from the floor and moved its adoption:

[H-8724](#)

- 1 Amend [Senate File 2432](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 5, by striking the figure
- 4 "2,000,000" and inserting the following: "3,000,000".

Roll call was requested by Rants of Woodbury and Van Fossen of Scott.

On the question "Shall amendment [H-8724](#) be adopted?" ([S.F. 2432](#))

The ayes were, 46:

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

The nays were, 49:

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

Absent or not voting, 5:

De Boef	Hoffman	Jacobs	Roberts
Van Engelenhoven			

Amendment [H-8724](#) lost.

Wiencek of Black Hawk offered the following amendment [H-8726](#) filed by her from the floor and moved its adoption:

[H-8726](#)

- 1 Amend [Senate File 2432](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 24 the
- 4 following:
- 5 "e. For providing a grant to the Grout museum
- 6 district at the Sullivan brothers veterans museum for
- 7 costs associated with the oral history exhibit
- 8 including but not limited to exhibit information
- 9 technology, computer connectivity, and interactive
- 10 display technologies, notwithstanding section 8.57,
- 11 subsection 6, paragraph "c":
- 12 \$986,250"
- 13 2. Page 20, by striking lines 15 through 21.
- 14 3. By striking page 22, line 21, through page 23,
- 15 line 3.
- 16 4. By renumbering as necessary.

Roll call was requested by Wiencek of Black Hawk and Grassley of Butler.

On the question "Shall amendment [H-8726](#) be adopted?" ([S.F. 2432](#))

The ayes were, 42:

Arnold	Baudler	Berry	Boal
Chambers	Deyoe	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Kaufmann	Kelley	Kressig	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

The nays were, 50:

Abdul-Samad	Bailey	Bell	Bukta
Cohoon	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.

Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 8:

Alons	Anderson	Clute	De Boef
Dolecheck	Jacobs	Roberts	Van Engelenhoven

Amendment [H-8726](#) lost.

Drake of Pottawattamie asked and received unanimous consent to withdraw amendment [H-8719](#) filed by him from the floor, placing out of order amendment [H-8727](#) filed by Wise of Lee from the floor.

Lukan of Dubuque offered the following amendment [H-8722](#) filed by him and Rayhons of Hancock from the floor and moved its adoption:

[H-8722](#)

- 1 Amend [Senate File 2432](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by inserting after line 14 the
- 4 following:
- 5 "____. DEPARTMENT OF PUBLIC SAFETY
- 6 To provide grants to regional emergency response
- 7 training centers established under section 100B.22 for
- 8 infrastructure improvements:
- 9 \$3,400,000"
- 10 2. By renumbering as necessary.

Roll call was requested by Lukan of Dubuque and Rayhons of Hancock.

Rule 75 was invoked.

On the question "Shall amendment [H-8722](#) be adopted?" ([S.F. 2432](#))

The ayes were, 48:

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

The nays were, 49:

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

Absent or not voting, 3:

Jacobs	Roberts	Van Engelenhoven
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Amendment [H-8722](#) lost.

Windschitl of Harrison offered the following amendment [H-8720](#) filed by Windschitl, Drake of Pottawattamie, Rayhons of Hancock, Kaufmann of Cedar, Dolecheck of Ringgold and Soderberg of Plymouth from the floor and moved its adoption:

[H-8720](#)

- 1 Amend [Senate File 2432](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by striking lines 29 through 33.
- 4 2. By striking page 44, line 4, through page 45,
- 5 line 18.

Roll call was requested by Windschitl of Harrison and Alons of Sioux.

On the question "Shall amendment [H-8720](#) be adopted?" ([S.F. 2432](#))

The ayes were, 47:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Boal	Chambers
Clute	De Boef	Deyoe	Dolecheck
Drake	Forristall	Gaskill	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Huseman	Kaufmann	Kuhn
Lukan	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Fossen	Watts
Wienczek	Windschitl	Worthan	

The nays were, 49:

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

Absent or not voting, 3:

Jacobs	Roberts	Van Engelenhoven
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Amendment [H-8720](#) lost.

RULE 76 INVOKED

Under the provision of Rule 76, conflict of interest, Huser of Polk refrained from voting on amendment [H-8720](#).

Rants of Woodbury offered the following amendment [H-8718](#) filed by Rants, Heaton of Henry, Huseman of Cherokee and Raecker of Polk from the floor and moved its adoption:

[H-8718](#)

1 Amend [Senate File 2432](#), as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 15, line 22, by inserting before the word
4 "For" the following: "1."

5 2. Page 15, line 27, by striking the word
6 "section" and inserting the following: "subsection".

7 3. Page 15, line 35, by striking the word
8 "section" and inserting the following: "subsection".

9 4. Page 16, by inserting after line 6 the
10 following:

11 "2. For costs associated with the building of a
12 new Iowa State Penitentiary at Fort Madison:

13	FY 2010-2011	\$ 3,840,000
14	FY 2011-2012	\$44,520,000
15	FY 2012-2013	\$54,500,000
16	FY 2013-2014	\$26,880,000
17	FY 2014-2015	\$ 937,500

18 Notwithstanding section 8.33, moneys appropriated
19 in this subsection for fiscal years during the fiscal
20 period beginning July 1, 2010, and ending June 30,
21 2015, shall not revert but shall remain available for
22 the purpose designated until the close of the fiscal
23 year that begins July 1, 2017, or until the project
24 for which the appropriation was made is completed,
25 whichever is earlier."

26 5. By striking page 29, line 34, through page 30,
27 line 20.

28 6. By striking page 42, line 5, through page 44,
29 line 3.

30 7. By striking page 51, line 21, through page 53,
31 line 9.

32 8. Title page, line 7, by striking the words and
33 figure "and the FY 2009 prison bonding fund,".

34 9. By renumbering as necessary.

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

On the question "Shall amendment [H-8718](#) be adopted?" ([S.F. 2432](#))

The ayes were, 43:

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

The nays were, 51:

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

Absent or not voting, 6:

Hoffman	Jacobs	Olson, R.	Roberts
Smith	Van Engelenhoven		

Amendment [H-8718](#) lost.

Boal of Polk offered the following amendment [H-8721](#) filed by her from the floor and moved its adoption:

[H-8721](#)

- 1 Amend [Senate File 2432](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 21, by striking lines 2 through 20 and
- 4 inserting the following:
- 5 "e. For implementation of the provisions of
- 6 chapter 280A:

7 \$500,000"
 8 2. By renumbering as necessary.

Amendment [H-8721](#) lost.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment [H-8723](#) filed by him from the floor.

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

On the question "Shall the bill pass?" ([S.F. 2432](#))

The ayes were, 53:

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

The nays were, 43:

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

Absent or not voting, 4:

Boal

Jacobs

Roberts

Van Engelenhoven

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 25, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2424](#), a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2539](#) and [Senate File 2425](#).

MOTION TO RECONSIDER WITHDRAWN

[\(House File 2662\)](#)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider [House File 2662](#), a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, filed by him on April 21, 2008.

MOTION TO RECONSIDER WITHDRAWN

[\(Senate File 2394\)](#)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider [Senate File 2394](#), a bill for an act relating to and making transportation and other infrastructure related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the

primary road fund, and including an effective date, filed by him on April 10, 2008.

On motion by McCarthy of Polk, the House was recessed at 8:07 p.m., until 9:30 p.m.

The House resumed session at 1:44 a.m., Speaker Murphy in the chair.

LEAVE OF ABSENCES

Leave of absences were granted as follows:

Forristall of Pottawattamie and May of Dickinson on request of Paulsen of Linn.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 25, 2008, adopted the conference committee report and passed [House File 2539](#), a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparency, and including an applicability provision.

Also: That the Senate has on April 24, 2008, passed the following bill in which the concurrence of the Senate was asked:

[House File 2645](#), a bill for an act concerning public employee collective bargaining and teacher discipline.

Also: That the Senate has on April 24, 2008, passed the following bill in which the concurrence of the Senate was asked:

[House File 2699](#), a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and providing effective dates.

Also: That the Senate has on April 25, 2008, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2700](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and

reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Oldson of Polk called up for consideration [House File 2700](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions, amended by the Senate amendment [H-8728](#) as follows:

[H-8728](#)

- 1 Amend [House File 2700](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 12, by striking the figure
- 4 "1,439,884" and inserting the following: "1,400,261".
- 5 2. Page 9, by striking lines 21 and 22 and
- 6 inserting the following: "director, and the Iowa".
- 7 3. Page 12, lines 12 and 13, by striking the
- 8 words "secretary of the Iowa state fair board,".
- 9 4. Page 17, by inserting after line 28 the
- 10 following:
- 11 "Section 1. Section 173.10, Code 2007, is amended
- 12 to read as follows:
- 13 173.10 SALARY OF SECRETARY.
- 14 ~~The secretary shall receive the salary fixed by the~~
- 15 ~~board. The compensation and employment terms of the~~
- 16 ~~secretary shall be set by the Iowa state fair board~~
- 17 ~~with the approval of the governor, taking into~~
- 18 ~~consideration the level of knowledge and experience of~~
- 19 ~~the secretary."~~
- 20 5. Page 17, by inserting after line 30 the
- 21 following:
- 22 "Sec. 2. Section 8.7, Code 2007, is amended to
- 23 read as follows:
- 24 8.7 REPORTING OF GIFTS AND BEQUESTS RECEIVED.
- 25 All gifts, ~~and~~ bequests, ~~and grants~~ received by a
- 26 department or accepted by the governor on behalf of

27 the state shall be reported to the Iowa ethics and
28 campaign disclosure board and the government oversight
29 committees. The ethics and campaign disclosure board
30 shall, by January 31 of each year, submit to the
31 fiscal services division of the legislative services
32 agency a written report listing all gifts, and
33 ~~bequests, and grants~~ received during the previous
34 calendar year with a value over one thousand dollars
35 and the purpose for each such gift, or ~~bequest, or~~
36 ~~grant~~. The submission shall also include a listing of
37 all gifts, and ~~bequests, and grants~~ received by a
38 department from a person if the cumulative value of
39 all gifts, and ~~bequests, and grants~~ received by the
40 department from the person during the previous
41 calendar year exceeds one thousand dollars, and the
42 ethics and campaign disclosure board shall include, if
43 available, the purpose for each such gift, or ~~bequest,~~
44 ~~or grant~~. However, the reports on gifts, ~~grants,~~ or
45 bequests filed by the state board of regents pursuant
46 to section 8.44 shall be deemed sufficient to comply
47 with the requirements of this section.

48 Sec. 3. Section 8.9, Code 2007, is amended to read
49 as follows:

50 8.9 GRANTS ENTERPRISE MANAGEMENT OFFICE.

Page 2

1 1. The office of grants enterprise management is
2 established in the department of management. The
3 function of the office is to develop and administer a
4 system to track, identify, advocate for, and
5 coordinate nonstate grants as defined in section 8.2,
6 subsections 1 and 3. Staffing for the office of
7 grants enterprise management shall be provided by a
8 facilitator appointed by the director of the
9 department of management. Additional staff may be
10 hired, subject to the availability of funding.
11 Funding for the office is from the appropriation to
12 the department pursuant to section 8A.505, subsection
13 2.

14 2. a. All grant applications submitted and grant
15 moneys received by a department on behalf of the state
16 shall be reported to the office of grants enterprise
17 management. The office shall by January 31 of each
18 year submit to the fiscal services division of the
19 legislative services agency a written report listing
20 all grants received during the previous calendar year
21 with a value over one thousand dollars and the funding
22 entity and purpose for each grant. However, the
23 reports on grants filed by the state board of regents
24 pursuant to section 8.44 shall be deemed sufficient to
25 comply with the requirements of this subsection.

26 b. The office of grants enterprise management
27 shall submit by July 1 and January 1 of each year to
28 the government oversight committees a written report
29 summarizing departmental compliance with the
30 requirements of this subsection.

31 Sec. 4. Section 12C.16, subsection 1, paragraph b,
32 subparagraph (4), Code Supplement 2007, is amended to
33 read as follows:

34 (4) To the extent of the guarantee, loans,
35 obligations, or nontransferable letters of credit upon
36 which the payment of principal and interest is fully
37 secured or guaranteed by the United States of America
38 or an agency or instrumentality of the United States
39 of America or the United States central credit union,
40 a corporate central credit union organized under
41 section 533.213, or a corporate credit union ~~organized~~
42 ~~under 12 C.F.R. § 704~~ whose activities are subject to
43 regulation by the national credit union
44 administration, and the rating of any one of such
45 credit unions remains within the two highest
46 classifications of prime established by at least one
47 of the standard rating services approved by the
48 superintendent of banking by rule pursuant to chapter
49 17A. The treasurer of state shall adopt rules
50 pursuant to chapter 17A to implement this section.

Page 3

1 Sec. 5. Section 12C.17, subsection 1, paragraph c,
2 Code Supplement 2007, is amended to read as follows:

3 c. The securities shall be deposited with the
4 federal reserve bank, the federal home loan bank of
5 Des Moines, Iowa, or the United States central credit
6 union, a corporate central credit union organized
7 under section 533.213, or a corporate credit union
8 ~~organized under 12 C.F.R. § 704~~ whose activities are
9 subject to regulation by the national credit union
10 administration pursuant to a bailment agreement or a
11 pledge custody agreement.

12 Sec. 6. Section 12C.17, subsection 4, Code
13 Supplement 2007, is amended to read as follows:

14 4. Upon written request from the appropriate
15 public officer but not less than monthly, the federal
16 reserve bank, the federal home loan bank of Des
17 Moines, Iowa, the United States central credit union,
18 a corporate central credit union organized under
19 section 533.213, or a corporate credit union ~~organized~~
20 ~~under 12 C.F.R. § 704~~ whose activities are subject to
21 regulation by the national credit union administration
22 shall report a description, the par value, and the
23 market value of any pledged collateral by a credit
24 union."

25 6. Page 19, line 13, by inserting after the word
26 "subsection" the following: ", or not otherwise
27 confidential,".

28 7. Page 22, by inserting before line 31 the
29 following:

30 "Sec. 7. Section 68B.32, subsection 1, Code 2007,
31 is amended to read as follows:

32 1. An Iowa ethics and campaign disclosure board is
33 established as an independent agency. The board shall
34 administer this chapter and set standards for,
35 investigate complaints relating to, and monitor the
36 ethics of officials, employees, lobbyists, and
37 candidates for office in the executive branch of state
38 government. The board shall administer and set
39 standards for, investigate complaints relating to, and
40 monitor the campaign finance practices of candidates
41 for public office. The board shall administer and
42 establish standards for, investigate complaints
43 relating to, and monitor the reporting of gifts, and
44 bequests, ~~and grants~~ under section 8.7. The board
45 shall consist of six members and shall be balanced as
46 to political affiliation as provided in section 69.16.
47 The members shall be appointed by the governor,
48 subject to confirmation by the senate.

49 Sec. 8. Section 68B.32A, subsection 4, Code
50 Supplement 2007, is amended to read as follows:

Page 4

1 4. Receive and file registration and reports from
2 lobbyists of the executive branch of state government,
3 client disclosure from clients of lobbyists of the
4 executive branch of state government, personal
5 financial disclosure information from officials and
6 employees in the executive branch of state government
7 who are required to file personal financial disclosure
8 information under this chapter, and gift, and bequest,
9 ~~and grant~~ disclosure information pursuant to section
10 8.7. The board, upon its own motion, may initiate
11 action and conduct a hearing relating to reporting
12 requirements under this chapter or section 8.7.

13 Sec. 9. Section 84A.5, subsection 1, paragraph a,
14 Code Supplement 2007, is amended to read as follows:

15 a. The workforce development system shall strive
16 to provide high quality services to its customers
17 including workers, families, and businesses. The
18 department of workforce development shall maintain a
19 common intake, assessment, and customer tracking
20 system and to the extent practical provide one-stop
21 services to customers at workforce development centers
22 and other service access points. The department of
23 workforce development shall administer a statewide

24 standard skills assessment to assess the employability
25 skills of adult workers statewide and shall instruct
26 appropriate department staff in the administration of
27 the assessment. The assessment shall be included in
28 the one-stop services provided to customers at
29 workforce development centers and other service access
30 points throughout the state.

31 Sec. 10. Section 85.1, subsection 6, Code

32 Supplement 2007, is amended to read as follows:

33 6. Employers may with respect to an employee or a
34 classification of employees exempt from coverage
35 provided by this chapter pursuant to subsection 1, 2,
36 or 3, other than the employee or classification of
37 employees with respect to whom a rule of liability or
38 a method of compensation is established by the
39 Congress of the United States, assume a liability for
40 compensation imposed upon employers by this chapter,
41 for the benefit of employees within the coverage of
42 this chapter, by the purchase of valid workers'
43 compensation insurance that does not specifically
44 exclude the employee or classification of employees.
45 In addition, an employer that assumed a liability for
46 compensation imposed upon employers by this chapter
47 pursuant to a collective bargaining agreement with
48 respect to an employee or a classification of
49 employees exempt from coverage provided by this
50 chapter pursuant to subsection 4 as of July 1, 2007.

Page 5

1 may continue to assume liability for that compensation
2 pursuant to a subsequent collective bargaining
3 agreement, for the benefit of such employees, by the
4 purchase of valid workers' compensation insurance that
5 does not specifically exclude that employee or
6 classification of employees. The purchase of and
7 acceptance by an employer of valid workers'
8 compensation insurance applicable to the employee or
9 classification of employees constitutes an assumption
10 by the employer of liability without any further act
11 on the part of the employer, but only with respect to
12 the employee or classification of employees as are
13 within the coverage of the workers' compensation
14 insurance contract and only for the time period in
15 which the insurance contract is in force. Upon an
16 election of such coverage, the employee or
17 classification of employees shall accept compensation
18 in the manner provided by this chapter and the
19 employer shall be relieved from any other liability
20 for recovery of damage, or other compensation for
21 injury.

22 Sec. 11. Section 96.3, subsection 5, Code 2007, is

23 amended to read as follows:

24 5. a. DURATION OF BENEFITS. The maximum total
25 amount of benefits payable to an eligible individual
26 during a benefit year shall not exceed the total of
27 the wage credits accrued to the individual's account
28 during the individual's base period, or twenty-six
29 times the individual's weekly benefit amount,
30 whichever is the lesser. The director shall maintain
31 a separate account for each individual who earns wages
32 in insured work. The director shall compute wage
33 credits for each individual by crediting the
34 individual's account with one-third of the wages for
35 insured work paid to the individual during the
36 individual's base period. However, the director shall
37 recompute wage credits for an individual who is laid
38 off due to the individual's employer going out of
39 business at the factory, establishment, or other
40 premises at which the individual was last employed, by
41 crediting the individual's account with one-half,
42 instead of one-third, of the wages for insured work
43 paid to the individual during the individual's base
44 period. Benefits paid to an eligible individual shall
45 be charged against the base period wage credits in the
46 individual's account which have not been previously
47 charged, in the inverse chronological order as the
48 wages on which the wage credits are based were paid.
49 However if the state "off indicator" is in effect and
50 if the individual is laid off due to the individual's

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1 employer going out of business at the factory,
2 establishment, or other premises at which the
3 individual was last employed, the maximum benefits
4 payable shall be extended to thirty-nine times the
5 individual's weekly benefit amount, but not to exceed
6 the total of the wage credits accrued to the
7 individual's account.

8 b. TRAINING EXTENSION BENEFITS. An individual who
9 is in training with the approval of the director at
10 the time regular benefits are exhausted may be
11 eligible for training extension benefits. The
12 training extension benefit amount shall be twenty-six
13 times the individual's weekly benefit amount, and the
14 weekly benefit amount shall be equal to the
15 individual's weekly benefit amount for the claim in
16 which benefits were exhausted while in training. An
17 individual who is receiving training extension
18 benefits shall not be denied benefits due to
19 application of section 96.4, subsection 3, or section
20 96.5, subsection 3. However, an employer's account
21 shall not be charged with benefits so paid. Relief of

22 charges under this paragraph applies to both
 23 contributory and reimbursable employers,
 24 notwithstanding section 96.8, subsection 5. In order
 25 for the individual to be eligible for training
 26 extension benefits the training must be for a
 27 high-demand or high-technology occupation, including
 28 fields of life sciences, advanced manufacturing,
 29 biotechnology, alternative fuels, insurance, and
 30 environmental technology. "High-demand occupation"
 31 means an occupation in a labor market area in which
 32 the department determines work opportunities are
 33 available and there is a lack of qualified
 34 applicants."

35 8. Page 26, by inserting after line 16 the
 36 following:

37 "Sec. 12. Section 135C.40, subsection 1, Code
 38 2007, is amended to read as follows:

39 1. If the director determines, based on the
 40 findings of an inspection or investigation of a health
 41 care facility, that the facility is in violation of
 42 this chapter, ~~or~~ rules adopted under this chapter, or
 43 the federal certification guidelines, the director
 44 within five ten working days after making the
 45 determination completion of an on-site survey, may
 46 shall issue a written citation all statements of
 47 deficiencies, including any state citations issued to
 48 the facility under rules adopted by the department.
 49 The citation shall be served upon the facility
 50 personally ~~or,~~ by electronic mail, or by certified

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1 mail, except that a citation for a Class III violation
 2 may be sent by ordinary mail. Each citation shall
 3 specifically describe the nature of the violation,
 4 identifying the Code section or subsection or the rule
 5 or standard violated, and the classification of the
 6 violation under section 135C.36. Where appropriate,
 7 the citation shall also state the period of time
 8 allowed for correction of the violation, which shall
 9 in each case be the shortest period of time the
 10 department deems feasible. Failure to correct a
 11 violation within the time specified, unless the
 12 licensee shows that the failure was due to
 13 circumstances beyond the licensee's control, shall
 14 subject the facility to a further penalty of fifty
 15 dollars for each day that the violation continues
 16 after the time specified for correction.

17 a. If a facility licensed under this chapter
 18 submits a plan of correction relating to a statement
 19 of deficiencies or a response to a citation issued
 20 under rules adopted by the department and the

21 department elects to conduct an on-site revisit
 22 survey, the department shall commence the revisit
 23 survey within ten business days of the date that the
 24 plan of correction is received, or the date specified
 25 within the plan of correction alleging compliance,
 26 whichever is later.
 27 b. If the department recommends the issuance of
 28 federal remedies pursuant to 42 C.F.R. } 488.406
 29 (a)(2) or (a)(3), relating to a survey conducted by
 30 the department, the department shall issue the
 31 statement of deficiencies within twenty-four hours of
 32 the date that the centers for Medicare and Medicaid
 33 services of the United States department of health and
 34 human services was notified of the recommendation for
 35 the imposition of remedies."

36 9. Page 29, by inserting after line 22 the
 37 following:

38 "Sec. 13. NEW SECTION. 231C.20 CITATIONS –
 39 MONITORING VISITS.

40 1. All results of state monitoring visits,
 41 including complaint investigations or certification
 42 inspections conducted by the department pursuant to
 43 this chapter or rules adopted by the department shall
 44 be submitted by the department personally, by
 45 electronic mail, or by certified mail to the program
 46 no later than ten business days following completion
 47 of an on-site monitoring visit, if findings of
 48 noncompliance are cited.

49 2. If a program certified under this chapter
 50 submits a plan of correction relating to the statement

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1 of noncompliance or a response to a civil penalty
 2 issued under rules adopted by the department, and the
 3 department elects to conduct an on-site monitoring
 4 revisit, the department shall commence the monitoring
 5 revisit within ten business days of the date that the
 6 plan of correction is received, or the date specified
 7 within the plan of correction alleging compliance,
 8 whichever is later."

9 10. Page 29, by inserting after line 26 the
 10 following:

11 "Sec. 14. Section 280.7A, as enacted by 2008 Iowa
 12 Acts, [Senate File 2251](#), section 1, is amended by
 13 adding the following new subsections:

14 NEW SUBSECTION. 4. A comprehensive vision
 15 screening by a certified vision screener provided by
 16 the school district shall be given within the first
 17 thirty days of the first day of the school year to
 18 students entering kindergarten, first grade, third
 19 grade, sixth grade, and eighth grade, and to transfer

20 students and students referred for screening by a
 21 parent or teacher. A student shall be required to
 22 receive a comprehensive vision screening only once
 23 within a thirty-six month period.

24 NEW SUBSECTION. 5. A student who is not able to
 25 pass the comprehensive vision screening, pursuant to
 26 subsection 4, shall be required to have a
 27 comprehensive eye examination performed by a licensed
 28 optometrist, ophthalmologist, or physician trained in
 29 providing comprehensive eye care. A student's parent
 30 or guardian shall be responsible for ensuring that a
 31 student receives a comprehensive eye examination
 32 pursuant to this subsection. No penalty shall be
 33 imposed as a result of a student not receiving a
 34 recommended comprehensive eye examination."

35 11. Page 29, by inserting after line 26 the
 36 following:

37 "Sec. 15. Section 321A.3, subsections 1, 5, and 6,
 38 Code Supplement 2007, are amended to read as follows:

39 1. The department shall upon request furnish any
 40 person a certified abstract of the operating record of
 41 a person subject to chapter 321, 321J, or this
 42 chapter. The abstract shall also fully designate the
 43 motor vehicles, if any, registered in the name of the
 44 person. If there is no record of a conviction of the
 45 person having violated any law relating to the
 46 operation of a motor vehicle or of any injury or
 47 damage caused by the person, the department shall so
 48 certify. A fee of five dollars and fifty cents shall
 49 be paid for each abstract except for state, county, or
 50 city officials, court officials, public transit

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1 officials, or other officials of a political
 2 subdivision of the state or a nonprofit charitable
 3 organization described in section 501(c)(3) of the
 4 Internal Revenue Code. The department shall transfer
 5 the moneys collected under this section to the
 6 treasurer of state who shall credit to the general
 7 fund all moneys collected.

8 ~~5. The department may permit any person to view~~
 9 ~~the operating record of a person subject to chapter~~
 10 ~~321 or this chapter through one of the department's~~
 11 ~~computer terminals or through a computer printout~~
 12 ~~generated by the department.~~ The department shall not
 13 require a fee for a person to view their own operating
 14 record, ~~but the department shall impose a fee of one~~
 15 ~~dollar for each of the first five operating records~~
 16 ~~viewed within a calendar day and two dollars for each~~
 17 ~~additional operating record viewed within the calendar~~
 18 ~~day.~~

19 6. Fees under ~~subsections~~ subsection 1 and 5 may
20 be paid by credit cards, as defined in section
21 537.1301, subsection 17, approved for that purpose by
22 the department of transportation. The department
23 shall enter into agreements with financial
24 institutions extending credit through the use of
25 credit cards to ensure payment of the fees. The
26 department shall adopt rules pursuant to chapter 17A
27 to implement the provisions of this subsection.
28 Sec. 16. Section 321A.3, Code Supplement 2007, is
29 amended by adding the following new subsection:
30 NEW SUBSECTION. 8. A person making a request for
31 a record or an abstract under this section that is
32 subject to a fee shall only use the record or abstract
33 requested one time, for one purpose, and it shall not
34 supply that record to more than one other person. Any
35 subsequent use of the same record or abstract shall
36 require that the person make a subsequent request for
37 the record or abstract and pay an additional fee for
38 the request in the same manner as provided for the
39 initial request. A person requesting a record or an
40 abstract pursuant to this section shall keep records
41 identifying who the record or abstract is provided to,
42 and the use of the record or abstract, for a period of
43 five years. Records maintained pursuant to this
44 subsection shall be made available to the department
45 upon request. A person shall not sell, retain,
46 distribute, provide, or transfer any record or
47 abstract information or portion of the record or
48 abstract information acquired under this agreement
49 except as authorized by the department and the federal
50 Driver's Privacy Protection Act, 18 U.S.C. §

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1 2721-2725."
2 12. Page 32, by inserting after line 33 the
3 following:
4 "Sec. 17. Section 423B.1, subsection 6, Code
5 Supplement 2007, is amended by adding the following
6 new paragraph:
7 NEW PARAGRAPH. c. Notwithstanding any other
8 provision in this section, a change in use of the
9 local sales and services tax revenues for purposes of
10 funding an urban renewal project pursuant to section
11 423B.10 does not require an election.
12 Sec. 18. Section 423B.7, subsection 1, Code 2007,
13 is amended to read as follows:
14 1. a. The Except as provided in paragraph "b",
15 the director shall credit the local sales and services
16 tax receipts and interest and penalties from a
17 county-imposed tax to the county's account in the

18 local sales and services tax fund and from a
 19 city-imposed tax under section 423B.1, subsection 2,
 20 to the city's account in the local sales and services
 21 tax fund. If the director is unable to determine from
 22 which county any of the receipts were collected, those
 23 receipts shall be allocated among the possible
 24 counties based on allocation rules adopted by the
 25 director.

26 b. Notwithstanding paragraph "a", the director
 27 shall credit the designated amount of the increase in
 28 local sales and services tax receipts, as computed in
 29 section 423B.10, collected in an urban renewal area of
 30 an eligible city that has adopted an ordinance
 31 pursuant to section 423B.10, subsection 2, into a
 32 special city account in the local sales and services
 33 tax fund.

34 Sec. 19. Section 423B.7, Code 2007, is amended by
 35 adding the following new subsection:

36 NEW SUBSECTION. 5A. From each special city
 37 account, the revenues shall be remitted to the city
 38 council for deposit in the special fund created in
 39 section 403.19, subsection 2, to be used by the city
 40 as provided in section 423B.10. The distribution from
 41 the special city account is not subject to the
 42 distribution formula provided in subsections 3, 4, and
 43 5.

44 Sec. 20. NEW SECTION. 423B.10 FUNDING URBAN
 45 RENEWAL PROJECTS.

46 1. For purposes of this section, unless the
 47 context otherwise requires:

48 a. "Base year" means the fiscal year during which
 49 an ordinance is adopted that provides for funding of
 50 an urban renewal project by a designated amount of the

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1 increased sales and services tax revenues.

2 b. "Eligible city" means a city in which a local
 3 sales and services tax imposed by the county applies
 4 or a city described in section 423B.1, subsection 2,
 5 paragraph "a", and in which an urban renewal area has
 6 been designated.

7 c. "Retail establishment" means a business
 8 operated by a retailer as defined in section 423.1.

9 d. "Urban renewal area" and "urban renewal
 10 project" mean the same as defined in section 403.17.

11 2. An eligible city may by ordinance of the city
 12 council provide for the use of a designated amount of
 13 the increased local sales and services tax revenues
 14 collected under this chapter which are attributable to
 15 retail establishments in an urban renewal area to fund
 16 urban renewal projects located in the area. The

17 designated amount may be all or a portion of such
18 increased revenues.

19 3. To determine the revenue increase for purposes
20 of subsection 2, revenue amounts shall be calculated
21 by the department of revenue as follows:

22 a. Determine the amount of local sales and
23 services tax revenue collected from retail
24 establishments located in the area comprising the
25 urban renewal area during the base year.

26 b. Determine the current year revenue amount for
27 each fiscal year following the base year in the manner
28 specified in paragraph "a".

29 c. The excess of the amount determined in
30 paragraph "b" over the base year revenue amount
31 determined in paragraph "a" is the increase in the
32 local sales and services tax revenues of which the
33 designated amount is to be deposited in the special
34 city account created in section 423B.7, subsection 5A.

35 4. The ordinance adopted pursuant to this section
36 is repealed when the area ceases to be an urban
37 renewal area or twenty years following the base year,
38 whichever is the earlier.

39 5. In addition to the moneys received pursuant to
40 the ordinance authorized under subsection 2, an
41 eligible city may deposit any other local sales and
42 services tax revenues received by it pursuant to the
43 distribution formula in section 423B.7, subsections 3,
44 4, and 5, to the special fund described in section
45 403.19, subsection 2.

46 6. For purposes of this section, the eligible city
47 shall assist the department of revenue in identifying
48 retail establishments in the urban renewal area that
49 are collecting the local sales and services tax. This
50 process shall be ongoing until the ordinance is

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1 repealed."
2 13. Page 34, by inserting after line 7 the
3 following:
4 "Sec. 21. Section 423F.3, subsection 3, paragraph
5 c, as enacted by 2008 Iowa Acts, [House File 2663](#),
6 section 29, if enacted, is amended to read as follows:
7 c. The board secretary shall notify the county
8 commissioner of elections of the intent to take the
9 issue to the voters. The county commissioner of
10 elections shall publish the notices required by law
11 for special or general elections, and the election
12 shall be held ~~not sooner than thirty days nor later~~
13 ~~than forty days after notice from the school board on~~
14 a date specified in section 39.2, subsection 4,
15 paragraph "c". A majority of those voting on the

16 question must favor approval of the revenue purpose
 17 statement. If the proposal is not approved, the
 18 school district shall not submit the same or new
 19 revenue purpose statement to the electors for a period
 20 of six months from the date of the previous election."

21 14. Page 35, by inserting after line 20 the
 22 following:

23 "Sec. 22. Section 441.38, subsection 1, Code 2007,
 24 is amended to read as follows:

25 1. Appeals may be taken from the action of the
 26 local board of review with reference to protests of
 27 assessment, to the district court of the county in
 28 which the board holds its sessions within twenty days
 29 after its adjournment or May 31, whichever date is
 30 later. Appeals may be taken from the action of the
 31 property assessment appeal board to the district court
 32 of the county where the property which is the subject
 33 of the appeal is located within twenty days after the
 34 letter of disposition of the appeal by the property
 35 assessment appeal board is postmarked to the
 36 appellant. No new grounds in addition to those set
 37 out in the protest to the local board of review as
 38 provided in section 441.37, or in addition to those
 39 set out in the appeal to the property assessment
 40 appeal board, if applicable, can be pleaded, ~~but~~
 41 ~~additional. Additional~~ evidence to sustain those
 42 grounds may be introduced ~Un an appeal from the local
 43 board of review to the district court. However, no
 44 new evidence to sustain those grounds may be
 45 introduced in an appeal from the property assessment
 46 appeal board to the district court. The assessor
 47 shall have the same right to appeal and in the same
 48 manner as an individual taxpayer, public body, or
 49 other public officer as provided in section 441.42.
 50 Appeals shall be taken by filing a written notice of

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1 appeal with the clerk of district court. Filing of
 2 the written notice of appeal shall preserve all rights
 3 of appeal of the appellant."

4 15. By striking page 43, line 25, through page
 5 45, line 5.

6 16. Page 45, by inserting before line 6 the
 7 following:

8 "Sec. 23. 2007 Iowa Acts, chapter 206, section 6,
 9 unnumbered paragraph 3, is amended to read as follows:

10 Notwithstanding section 8.33, moneys appropriated
 11 in this section that remain unencumbered or
 12 unobligated at the close of the fiscal year shall not
 13 revert but shall remain available for expenditure for
 14 the purposes designated until the close of the

15 ~~succeeding~~ fiscal year beginning July 1, 2008."

16 17. Page 45, by inserting after line 19 the
17 following:

18 "Sec. 24. MEDICAL ASSISTANCE – APPROPRIATION.

19 There is appropriated from the general fund of the
20 state to the department of human services for the
21 fiscal year beginning July 1, 2008, and ending June
22 30, 2009, the following amount, or so much thereof as
23 is necessary, for the purpose designated:

24 Notwithstanding the reimbursement provisions in
25 2008 Iowa Acts, [Senate File 2425](#), if enacted, or any
26 other provision requiring budget neutrality in setting
27 hospital reimbursement rates, as additional funding
28 for the medical assistance program to be used for the
29 rebasing of hospital reimbursement rates under the
30 medical assistance program:

31 \$5,500,000"

32 18. Page 46, by inserting after line 7 the
33 following:

34 "Sec. 25. 2008 Iowa Acts, [House File 2699](#), section
35 4, subsection 3, if enacted, is amended by adding the
36 following new paragraph:

37 NEW PARAGRAPH. e. The department of economic
38 development shall coordinate with the department of
39 natural resources, the Iowa finance authority, and the
40 United States department of agriculture in maximizing
41 community development block grants and loans available
42 for water, wastewater, and unsewered communities. It
43 is the intent of the general assembly that the
44 department recognize and provide the appropriate level
45 of funding needed for wastewater and sewer projects in
46 communities with populations of 200 persons or less.

47 Sec. 26. 2008 Iowa Acts, [House File 2699](#), section
48 16, subsection 4, if enacted, is amended by striking
49 the subsection and inserting in lieu thereof the
50 following:

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1 4. STATEWIDE STANDARD SKILLS ASSESSMENT

2 For development and administration of a statewide
3 standard skills assessment to assess the employability
4 skills of adult workers statewide and to provide
5 instruction to department staff in the administration
6 of the assessment in accordance with section 84A.5,
7 subsection 1, as amended by the Eighty-second General
8 Assembly, 2008 Session:

9 \$500,000"

10 19. Page 46, by inserting after line 7 the
11 following:

12 "Sec. 27. HEALTHY IOWANS TOBACCO TRUST –
13 APPROPRIATION – TOBACCO USE PREVENTION AND TREATMENT.

14 There is appropriated from the healthy Iowans tobacco
 15 trust created in section 12.65 to the department of
 16 public health for the fiscal year beginning July 1,
 17 2008, and ending June 30, 2009, the following amount,
 18 or so much thereof as is necessary, for the purpose
 19 designated:

20 For tobacco use prevention, cessation, and
 21 treatment, in addition to other appropriations made
 22 for this purpose:
 23 \$1,000,000

24 Sec. 28. DEPARTMENT OF HUMAN SERVICES – SHELTER
 25 CARE. There is appropriated from the general fund of
 26 the state to the department of human services for the
 27 fiscal year beginning July 1, 2008, and ending June
 28 30, 2009, the following amount, or so much thereof as
 29 is necessary, to be used for the purposes designated:

30 For supplementing the appropriation made for child
 31 and family services in 2008 Iowa Acts, Senate File
 32 2425, if enacted, to be used to increase the amount
 33 allocated in that appropriation for shelter care to
 34 \$8,072,215:
 35 \$1,000,000

36 Sec. 29. INTERPRETERS FOR THE DEAF. There is
 37 appropriated from the general fund of the state to the
 38 department of education for the fiscal year beginning
 39 July 1, 2008, and ending June 30, 2009, the following
 40 amount, or so much thereof as is necessary, to be used
 41 for the purpose designated:

42 Due to the high numbers of articulation agreements
 43 between the state school for the deaf and Iowa western
 44 community college, for allocation for arrangements
 45 made between the state school for the deaf and Iowa
 46 western community college for deaf interpreters:
 47 \$200,000

48 Sec. 30. UNITED STATES CENTER FOR CITIZEN
 49 DIPLOMACY. There is appropriated from the general
 50 fund of the state to the department of economic

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1 development for the fiscal year beginning July 1,
 2 2008, and ending June 30, 2009, the following amount,
 3 or so much thereof as is necessary, to be used for the
 4 purposes designated:

5 For a grant to support the United States center for
 6 citizen diplomacy:
 7 \$150,000

8 The director of the department of economic
 9 development shall condition the grant upon the grantee
 10 submitting all of the following: evidence of a
 11 matching amount from nongovernmental sources received
 12 during calendar year 2008, a financial plan for

13 program sustainability, evidence that the center's
 14 principal place of business is in this state, and
 15 agreement to submit quarterly reports demonstrating
 16 that the center's programs are directed to assisting
 17 the citizens of this state and beyond in promoting
 18 citizen diplomacy through individual, educational,
 19 business, and cultural efforts. The director shall
 20 submit the reports required under this section to the
 21 governor and the legislative council.

22 Sec. 31. DEPARTMENT OF NATURAL RESOURCES. There
 23 is appropriated from any interest or earning moneys in
 24 the federal economic stimulus and jobs holding fund to
 25 the department of natural resources for the fiscal
 26 year beginning July 1, 2008, and ending June 30, 2009,
 27 the following amounts, or so much thereof as is
 28 necessary, to be used for the purposes designated:

29 For the abatement, control, and prevention of
 30 ambient air pollution in this state, including
 31 measures as necessary to assure attainment and
 32 maintenance of ambient air quality standards from
 33 particulate matter:

34 \$195,000"

35 20. Page 46, by inserting after line 12 the
 36 following:

37 "Sec. 32. DEPARTMENT OF CULTURAL AFFAIRS – BATTLE
 38 FLAG EMPLOYEES. The department of cultural affairs is
 39 authorized an additional 1.50 full-time equivalent
 40 positions for a conservation assistant and a part-time
 41 historian for work related to the stabilization and
 42 preservation of the battle flag collection."

43 21. Page 47, by inserting after line 18 the
 44 following:

45 "Sec. 33. EFFECTIVE DATE. The section of this
 46 division of this Act amending 2007 Iowa Acts, chapter
 47 206, section 6, being deemed of immediate importance,
 48 takes effect upon enactment."

49 22. Page 56, by inserting after line 2 the
 50 following:

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1 "Sec. 34. Section 100C.6, subsection 3, as enacted
 2 by 2008 Iowa Acts, [House File 2646](#), section 1, is
 3 amended to read as follows:

4 3. Relieve any person engaged in fire sprinkler
 5 installation, maintenance, repair, service, or
 6 inspection as defined in section 100D.1 from obtaining
 7 a fire sprinkler installer ~~or fire sprinkler and~~
 8 maintenance worker license as required pursuant to
 9 chapter 100D."

10 23. Page 58, line 25, by striking the words and
 11 figure "Sec. 106. NEW SECTION".

12 24. Page 61, by inserting after line 24 the
13 following:

14 "Sec. 35. 2008 Iowa Acts, [House File 2689](#), section
15 35, if enacted, is amended by striking the section and
16 inserting in lieu thereof the following:

17 SEC. ____ . EFFECTIVE DATE. This division of this
18 Act takes effect January 1, 2009."

19 25. Page 62, by inserting after line 29 the
20 following:

21 "Sec. 36. 2008 Iowa Acts, [Senate File 2432](#),
22 section 1, subsection 5, paragraph c, if enacted, is
23 amended to read as follows:

24 "c. For equal distribution to regional sports
25 authority districts certified by the department
26 pursuant to section 15E.321, notwithstanding section
27 8.57, subsection 6, paragraph "c":

28 \$500,000

29 Sec. 37. 2008 Iowa Acts, [Senate File 2432](#), section
30 1, subsection 9, paragraph a, if enacted, is amended
31 to read as follows:

32 a. For purposes of supporting a water trails
33 development program and a lowhead dam public hazard
34 improvement program, notwithstanding section 8.57,
35 subsection 6, paragraph "c":

36 \$1,000,000

37 The department shall award grants to dam owners
38 including counties, cities, state agencies,
39 cooperatives, and individuals, to support projects
40 approved by the department.

41 The department shall require each dam owner
42 applying for a project grant to submit a project plan
43 for the expenditure of the moneys, and file a report
44 with the department regarding the project, as required
45 by the department.

46 The funds can be used for signs, posts, and related
47 cabling, and the department shall only award money on
48 a matching basis, pursuant to the dam owner
49 contributing at least 20 cents for every 80 cents
50 awarded by the department, in order to finance the

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1 project. For the remainder of the funds, including
2 any balance of money not awarded for signs, posts, and
3 related cabling, the department shall only award
4 ~~moneys to a dam owner on a matching basis. A dam~~
5 ~~owner shall contribute one dollar for each dollar~~
6 ~~awarded by the department in order to finance a~~
7 project moneys for the water trails development
8 program or to the lowhead dam public hazard
9 improvement program on a matching basis according to
10 departmental rules."

11 26. Page 62, by inserting after line 29 the
12 following:

13 "DIVISION _____
14 ANIMAL AGRICULTURE

15 Sec. 38. Section 459.102, subsection 4, Code 2007,
16 is amended to read as follows:

17 4. "Animal feeding operation" means a lot, yard,
18 corral, building, or other area in which animals are
19 confined and fed and maintained for forty-five days or
20 more in any twelve-month period, and all structures
21 used for the storage of manure from animals in the
22 operation. ~~As~~ Except as required for a national
23 pollutant discharge elimination system permit required
24 pursuant to the federal Water Pollution Control Act,
25 33 U.S.C. ch. 26, as amended, an animal feeding
26 operation does not include a livestock market.

27 Sec. 39. Section 459A.103, subsection 3, Code
28 2007, is amended to read as follows:

29 3. a. In calculating the animal unit capacity of
30 an open feedlot operation, the animal unit capacity
31 shall not include the animal unit capacity of any
32 confinement feeding operation building as defined in
33 section 459.102, which is part of the open feedlot
34 operation.

35 b. Notwithstanding paragraph "a", only for
36 purposes of determining whether an open feedlot
37 operation must obtain an operating permit, the animal
38 unit capacity of the animal feeding operation includes
39 the animal unit capacities of both the open feedlot
40 operation and the confinement feeding operation if the
41 animals in the open feedlot operation and the
42 confinement feeding operation are all in the same
43 category or type of animals as used in the definitions
44 of large and medium concentrated animal feeding
45 operations in 40 C.F.R. pt. 122. In all other
46 respects the confinement feeding operation shall be
47 governed by chapter 459 and the open feedlot operation
48 shall be governed by this chapter.

49 Sec. 40. Section 459A.401, subsection 2, paragraph
50 a, unnumbered paragraph 1, Code Supplement 2007, is

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1 amended to read as follows:

2 An open feedlot operation in compliance with the
3 inspection and recordkeeping requirements of 40 C.F.R.
4 pt. 122 and 40 C.F.R. pt. 412 applicable to the
5 operation may discharge open feedlot effluent into any
6 waters of the United States due to a precipitation
7 event, if any of the following apply:

8 Sec. 41. COMPLIANCE EDUCATION EFFORT. The
9 department of natural resources shall provide for a

10 compliance education effort. In administering the
 11 effort, the department, in cooperation with
 12 associations that represent livestock producers and
 13 organizations that represent farmers generally, shall
 14 provide information on a statewide basis to persons
 15 involved with maintaining animals in a confinement
 16 feeding operation or open feedlot operation regarding
 17 methods and practices to ensure compliance with this
 18 Act.

19 Sec. 42. APPLICABILITY AND ENFORCEMENT.

20 1. A person required to obtain an operating permit
 21 for an animal feeding operation by the department of
 22 natural resources pursuant to 567 IAC ch. 65, and
 23 section 459.102, subsection 4, as amended by this
 24 division of this Act, or section 459A.103, subsection
 25 3, as amended by this division of this Act, shall
 26 submit an application for the operating permit to the
 27 department of natural resources on or before December
 28 31, 2008. The application for the operating permit
 29 must be complete, including all information required
 30 to be included in the application according to rules
 31 adopted by the department.

32 2. a. The state shall not take an enforcement
 33 action against a person arising from the person's
 34 failure to obtain an operating permit by the
 35 department of natural resources as required pursuant
 36 to this division of this Act if the person's
 37 application for the operating permit application is
 38 pending in accordance with subsection 1.

39 b. The state shall not take an enforcement action
 40 against a person arising from the person's failure to
 41 obtain an operating permit as required pursuant to
 42 this division of this Act for the period beginning on
 43 the day when the department of natural resources
 44 denies the person's application for the operation
 45 permit and ending on the thirtieth day after the
 46 person receives written notice that such application
 47 has been denied.

48 Sec. 43. EFFECTIVE DATE.

49 1. Except as provided in subsection 2, this
 50 division of this Act takes effect on December 31,

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1 2008.

2 2. The section of this division of this Act
 3 establishing a compliance education effort takes
 4 effect upon enactment.

5 DIVISION _____
 6 RETIREMENT FOR SENIOR JUDGES

7 Sec. 44. Section 602.9202, Code 2007, is amended
 8 by adding the following new subsection:

9 NEW SUBSECTION. 3A. "Senior judge retirement age"
10 means seventy-eight years of age or, if the senior
11 judge is reappointed as a senior judge for an
12 additional two-year term upon attaining seventy-eight
13 years of age pursuant to section 602.9203, eighty
14 years of age.

15 Sec. 45. Section 602.9203, subsection 5, Code
16 2007, is amended to read as follows:

17 5. a. A senior judge may be reappointed to
18 additional two-year terms, at the discretion of the
19 supreme court, if the judicial officer meets the
20 requirements of subsection 2.

21 b. A senior judge may be reappointed to an
22 additional two-year term upon attaining seventy-eight
23 years of age, at the discretion of the supreme court,
24 if the judicial officer meets the requirements of
25 subsection 2.

26 Sec. 46. Section 602.9204, subsection 1, Code
27 2007, is amended to read as follows:

28 1. A judge who retires on or after July 1, 1994,
29 and who is appointed a senior judge under section
30 602.9203 shall be paid a salary as determined by the
31 general assembly. A senior judge or retired senior
32 judge shall be paid an annuity under the judicial
33 retirement system in the manner provided in section
34 602.9109, but computed under this section in lieu of
35 section 602.9107, as follows: The annuity paid to a
36 senior judge or retired senior judge shall be an
37 amount equal to the applicable percentage multiplier
38 of the basic senior judge salary, multiplied by the
39 judge's years of service prior to retirement as a
40 judge of one or more of the courts included under this
41 article, for which contributions were made to the
42 system, except the annuity of the senior judge or
43 retired senior judge shall not exceed an amount equal
44 to the applicable specified percentage of the basic
45 senior judge salary used in calculating the annuity.
46 However, following the twelve-month period during
47 which the senior judge or retired senior judge attains
48 ~~seventy-eight years of~~ senior judge retirement age,
49 the annuity paid to the person shall be an amount
50 equal to the applicable percentage multiplier of the

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1 basic senior judge salary cap, multiplied by the
2 judge's years of service prior to retirement as a
3 judge of one or more of the courts included under this
4 article, for which contributions were made to the
5 system, except that the annuity shall not exceed an
6 amount equal to the applicable specified percentage of
7 the basic senior judge salary cap. A senior judge or

8 retired senior judge shall not receive benefits
9 calculated using a basic senior judge salary
10 established after the twelve-month period in which the
11 senior judge or retired senior judge attains
12 ~~seventy-eight years of senior judge retirement~~ age.
13 The state shall provide, regardless of age, to an
14 active senior judge or a senior judge with six years
15 of service as a senior judge and to the judge's
16 spouse, and pay for medical insurance until the judge
17 attains ~~the senior judge retirement~~ age of
18 ~~seventy-eight years~~.

19 Sec. 47. Section 602.9204, subsection 2,
20 paragraphs d and e, Code 2007, is amended to read as
21 follows:

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

29 e. "Escalator" means the difference between the
30 current basic salary, as of the time each payment is
31 made up to and including the twelve-month period
32 during which the senior judge or retired senior judge
33 attains ~~seventy-eight years of senior judge retirement~~
34 age, of the office in which the senior judge last
35 served as a judge before retirement as a judge or
36 senior judge, and the basic annual salary which the
37 judge is receiving at the time the judge becomes
38 separated from full-time service as a judge of one or
39 more of the courts included in this article, as would
40 be used in computing an annuity pursuant to section
41 602.9107 without service as a senior judge.

42 Sec. 48. Section 602.9207, subsection 1, Code
43 2007, is amended to read as follows:

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

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1 Sec. 49. Section 602.9208, subsection 1, Code
2 2007, is amended to read as follows:

3 1. A senior judge, at any time prior to the end of
4 the twelve-month period during which the judge attains
5 ~~seventy-eight years of senior judge retirement~~ age,
6 may submit to the clerk of the supreme court a written

7 request that the judge's name be stricken from the
8 roster of senior judges. Upon the receipt of the
9 request the clerk shall strike the name of the person
10 from the roster of senior judges, at which time the
11 person shall cease to be a senior judge. A person who
12 relinquishes a senior judgeship as provided in this
13 subsection may be assigned to temporary judicial
14 duties as provided in section 602.1612.

15 DIVISION _____

16 CORE CURRICULUM FOR SCHOOLS

17 Sec. 50. Section 256.7, subsection 26, Code
18 Supplement 2007, as amended by 2008 Iowa Acts, Senate
19 File 2216, section 1, is amended to read as follows:

20 26. a. Adopt rules that establish a core
21 curriculum and requiring, beginning with the students
22 in the 2010-2011 school year graduating class, high
23 school graduation requirements for all students in
24 school districts and accredited nonpublic schools that
25 include at a minimum satisfactory completion of four
26 years of English and language arts, three years of
27 mathematics, three years of science, and three years
28 of social studies. The core curriculum adopted shall
29 address the core content standards in subsection 28
30 and the skills and knowledge students need to be
31 successful in the twenty-first century. The core
32 curriculum shall include social studies and
33 twenty-first century learning skills which include but
34 are not limited to civic literacy, health literacy,
35 technology literacy, financial literacy, and
36 employability skills; and shall address the curricular
37 needs of students in kindergarten through grade twelve
38 in those areas. ~~For purposes of this subsection,~~
39 ~~"financial literacy" shall include but not be limited~~
40 ~~to financial responsibility and planning skills; money~~
41 ~~management skills, including setting financial goals,~~
42 ~~creating spending plans, and using financial~~
43 ~~instruments; applying decision making skills to~~
44 ~~analyze debt incurrence and debt management;~~
45 ~~understanding risk management, including the features~~
46 ~~and functions of insurance; and understanding saving~~
47 ~~and investing as applied to long term financial~~
48 ~~security and asset building. The department shall~~
49 ~~further define the twenty-first century learning~~
50 ~~skills components by rule.~~

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1 b. Continue the inclusive process begun during the
2 initial development of a core curriculum for grades
3 nine through twelve including stakeholder involvement,
4 including but not limited to representatives from the
5 private sector and the business community, and

6 alignment of the core curriculum to other recognized
 7 sets of national and international standards. The
 8 state board shall also recommend quality assessments
 9 to school districts and accredited nonpublic schools
 10 to measure the core curriculum.

11 ~~The state board shall not require school districts~~
 12 ~~or accredited nonpublic schools to adopt a specific~~
 13 ~~textbook or textbook series to meet the core~~
 14 ~~curriculum requirements of~~ Neither the state board nor
 15 the department shall require school districts or
 16 accredited nonpublic schools to adopt a specific
 17 textbook, textbook series, or specific instructional
 18 methodology, or acquire specific textbooks, curriculum
 19 materials, or educational products from a specific
 20 vendor in order to meet the core curriculum
 21 requirements of this subsection or the core content
 22 standards adopted pursuant to subsection 28.

23 Sec. 51. Section 256.9, subsection 57, as enacted
 24 by 2008 Iowa Acts, section 2, is amended to read as
 25 follows:

26 57. a. Develop and distribute, in collaboration
 27 with the area education agencies, core curriculum
 28 technical assistance and implementation strategies
 29 that school districts and accredited nonpublic schools
 30 ~~may shall~~ utilize, including but not limited to the
 31 development and delivery of formative and
 32 end-of-course ~~model~~ assessments classroom teachers ~~can~~
 33 ~~may~~ use to measure student progress on the core
 34 curriculum adopted pursuant to section 256.7,
 35 subsection 26. The department shall ~~continue to~~
 36 ~~collaborate with Iowa testing programs on the~~
 37 ~~development of, in collaboration with the advisory~~
 38 ~~group convened in accordance with paragraph "b" and~~
 39 ~~educational assessment providers, identify and make~~
 40 ~~available to school districts end-of-course and~~
 41 ~~additional model~~ end-of-course and additional
 42 assessments to align with the expectations included in
 43 the Iowa core curriculum. The model assessments shall
 44 be suitable to meet the multiple assessment measures
 45 requirement specified in section 256.7, subsection 21,
 46 paragraph "c".

47 b. Convene an advisory group comprised of
 48 education stakeholders including but not limited to
 49 school district and accredited nonpublic school
 50 teachers, school administrators, higher education

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1 faculty who teach in the subjects for which the
 2 curriculum is being adopted, private sector employers,
 3 members of the boards of directors of school
 4 districts, and individuals representing the

5 educational assessment providers. The task force
6 shall review the national assessment of educational
7 progress standards and assessments used by other
8 states, and shall consider standards identified as
9 best practices in the field of study by the national
10 councils of teachers of English and mathematics, the
11 national council for the social studies, the national
12 science teachers association, and other recognized
13 experts.

14 Sec. 52. Section 257.11, Code Supplement 2007, is
15 amended by adding the following new subsection:
16 NEW SUBSECTION. 8A. A school district shall
17 ensure that any course made available to a student
18 through any sharing agreement between the school
19 district and a community college or any other entity
20 providing course programming pursuant to this section
21 to students enrolled in the school district meets the
22 expectations contained in the core curriculum adopted
23 pursuant to section 256.7, subsection 26. The school
24 district shall ensure that any course that has the
25 capacity to generate college credit shall be
26 equivalent to college-level work.

27 Sec. 53. Section 280.2, Code 2007, is amended to
28 read as follows:

29 280.2 DEFINITIONS.

30 The term "public school" means any school directly
31 supported in whole or in part by taxation. The term
32 "nonpublic school" means any other school which is
33 accredited ~~or which uses licensed practitioners as~~
34 ~~instructors pursuant to section 256.11.~~

35 Sec. 54. 2008 Iowa Acts, [Senate File 2216](#), section
36 6, is amended to read as follows:

37 SEC. 6. DEPARTMENT OF EDUCATION – CORE CURRICULUM

38 STUDY. The department of education shall conduct a
39 study of the measures necessary for the successful
40 adoption by the state's school districts and
41 accredited nonpublic schools of core curriculums and
42 core content standards established by rule pursuant to
43 section 256.7, subsections 26 and 28. The study shall
44 include an examination of the possible future
45 expansion of the core curriculum to include content
46 areas not currently included under section 256.7,
47 subsection 26, including but not limited to fine arts,
48 applied arts, humanities, and world languages. The
49 department shall submit its findings and
50 recommendations, including recommendations for

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1 statutory and administrative rule changes necessary,
2 to the general assembly by November 14, 2008.

3 DIVISION _____

4 PUBLIC INFORMATION BOARD – APPROPRIATION

5 Sec. 55. Section 21.6, subsection 3, paragraph a,
6 subparagraph (3), Code 2007, is amended to read as
7 follows:

8 (3) Reasonably relied upon a decision of a court,
9 ~~or~~ a formal opinion of the Iowa public information
10 board, the attorney general, or the attorney for the
11 governmental body, given in writing, or as
12 memorialized in the minutes of the meeting at which a
13 formal oral opinion was given, or an advisory opinion
14 of the Iowa public information board, the attorney
15 general, or the attorney for the governmental body,
16 given in writing.

17 Sec. 56. Section 21.6, subsection 3, paragraph d,
18 Code 2007, is amended to read as follows:

19 d. Shall issue an order removing a member of a
20 governmental body from office if that member has
21 engaged in a prior violation of this chapter for which
22 damages were assessed against the member during the
23 member's term. In making this determination, the
24 court shall recognize violations for which damages
25 were assessed by the Iowa public information board
26 created in section 23.3.

27 Sec. 57. Section 22.10, subsection 3, paragraphs b
28 and d, Code 2007, are amended to read as follows:

29 b. Shall assess the persons who participated in
30 its violation damages in the amount of not more than
31 five hundred dollars nor less than one hundred
32 dollars. These damages shall be paid by the court
33 imposing them to the state of Iowa if the body in
34 question is a state government body, or to the local
35 government involved if the body in question is a local
36 government body. A person found to have violated this
37 chapter shall not be assessed such damages if that
38 person proves that the person either voted against the
39 action violating this chapter, refused to participate
40 in the action violating this chapter, or engaged in
41 reasonable efforts under the circumstances to resist
42 or prevent the action in violation of this chapter;
43 had good reason to believe and in good faith believed
44 facts which, if true, would have indicated compliance
45 with the requirements of this chapter; or reasonably
46 relied upon a decision of a court ~~or an a formal~~
47 opinion of the Iowa public information board, the
48 attorney general or the attorney for the government
49 body, given in writing or as memorialized in the
50 minutes of the meeting at which a formal oral opinion

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1 was given, or an advisory opinion of the Iowa public
2 information board, the attorney general, or the

3 attorney for the government body, given in writing.

4 d. Shall issue an order removing a person from
5 office if that person has engaged in a prior violation
6 of this chapter for which damages were assessed
7 against the person during the person's term. In
8 making this determination, the court shall recognize
9 violations for which damages were assessed by the Iowa
10 public information board created in section 23.3.

11 Sec. 58. NEW SECTION. 23.1 CITATION AND PURPOSE.

12 This chapter may be cited as the "Iowa Public
13 Information Board Act". The purpose of this chapter
14 is to provide an alternative means by which to secure
15 compliance with and enforcement of the requirements of
16 chapters 21 and 22 through the provision by the Iowa
17 public information board to all interested parties of
18 an efficient, informal, and cost-effective process for
19 resolving disputes.

20 Sec. 59. NEW SECTION. 23.2 DEFINITIONS.

21 1. "Board" means the Iowa public information board
22 created in section 23.3.

23 2. "Complainant" means a person who files a
24 complaint with the board.

25 3. "Complaint" means a written and signed document
26 filed with the board alleging a violation of chapter
27 21 or 22.

28 4. "Custodian" means a government body, government
29 official, or government employee designated as the
30 lawful custodian of a government record pursuant to
31 section 22.1.

32 5. "Government body" means the same as defined in
33 section 22.1.

34 6. "Person" means an individual, partnership,
35 association, corporation, legal representative,
36 trustee, receiver, custodian, government body, or
37 official, employee, agency, or political subdivision
38 of this state.

39 7. "Respondent" means any agency or other unit of
40 state or local government, custodian, government
41 official, or government employee who is the subject of
42 a complaint.

43 Sec. 60. NEW SECTION. 23.3 BOARD APPOINTED.

44 1. An Iowa public information board is created
45 consisting of five members appointed by the governor,
46 subject to confirmation by the senate. Membership
47 shall be balanced as to political affiliation as
48 provided in section 69.16 and gender as provided in
49 section 69.16A. Members appointed to the board shall
50 serve staggered, four-year terms, beginning and ending

2 of three members.

3 2. A vacancy on the board shall be filled by the
4 governor by appointment for the unexpired part of the
5 term. A board member may be removed from office by
6 the governor for good cause. The board shall select
7 one of its members to serve as chair and shall employ
8 a director who shall serve as the executive officer of
9 the board.

10 Sec. 61. NEW SECTION. 23.4 COMPENSATION AND
11 EXPENSES.

12 Board members shall be paid a per diem as specified
13 in section 7E.6 and shall be reimbursed for actual and
14 necessary expenses incurred while on official board
15 business. Per diem and expenses shall be paid from
16 funds appropriated to the board.

17 Sec. 62. NEW SECTION. 23.5 ELECTION OF REMEDIES.

18 1. An aggrieved person, any taxpayer to or citizen
19 of this state, the attorney general, or any county
20 attorney may seek enforcement of the requirements of
21 chapters 21 and 22 by electing either to file an
22 action pursuant to section 17A.19, 21.6, or 22.10,
23 whichever is applicable, or in the alternative, to
24 file a timely complaint with the board.

25 2. If more than one person seeks enforcement of
26 chapter 21 or 22 with respect to the same incident
27 involving an alleged violation, and one or more of
28 such persons elects to do so by filing an action under
29 section 17A.19, 21.6, or 22.10 and one or more of such
30 persons elects to do so by filing a timely complaint
31 with the board, the court in which the action was
32 filed shall dismiss the action without prejudice,
33 authorizing the complainant to file a complaint with
34 respect to the same incident with the board without
35 regard to the timeliness of the filing of the
36 complaint at the time the action in court is
37 dismissed.

38 3. If a person files an action pursuant to section
39 22.8 seeking to enjoin the inspection of a public
40 record, the respondent or person requesting access to
41 the record which is the subject of the request for
42 injunction may remove the proceeding to the board for
43 its determination by filing, within thirty days of the
44 commencement of the judicial proceeding, a complaint
45 with the board alleging a violation of chapter 22 in
46 regard to the same matter.

47 Sec. 63. NEW SECTION. 23.6 BOARD POWERS AND
48 DUTIES.

49 The board shall have all of the following powers
50 and duties:

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1 1. Employ such employees as are necessary to
2 execute its authority, including administrative law
3 judges, and attorneys to prosecute respondents in
4 proceedings before the board and to represent the
5 board in proceedings before a court. Notwithstanding
6 section 8A.412, all of the board's employees, except
7 for the executive director and attorneys, shall be
8 employed subject to the merit system provisions of
9 chapter 8A, subchapter IV.

10 2. Adopt rules with the force of law pursuant to
11 chapter 17A calculated to implement, enforce, and
12 interpret the requirements of chapters 21 and 22 and
13 to implement any authority delegated to the board by
14 this chapter.

15 3. Issue, consistent with the requirements of
16 section 17A.9, declaratory orders with the force of
17 law determining the applicability of chapter 21 or 22
18 to specified fact situations and issue informal advice
19 to any person concerning the applicability of chapters
20 21 and 22.

21 4. Receive complaints alleging violations of
22 chapter 21 or 22, seek resolution of such complaints
23 through informal assistance or through mediation and
24 settlement, formally investigate such complaints,
25 decide after such an investigation whether there is
26 probable cause to believe a violation of chapter 21 or
27 22 has occurred, and if probable cause has been found
28 prosecute the respondent before the board in a
29 contested case proceeding conducted according to the
30 provisions of chapter 17A.

31 5. Request and receive from a government body
32 assistance and information as necessary in the
33 performance of its duties. The board may examine a
34 record of a government body that is the subject matter
35 of a complaint, including any record that is
36 confidential by law. Confidential records provided to
37 the board by a governmental body shall continue to
38 maintain their confidential status. Any member or
39 employee of the board is subject to the same policies
40 and penalties regarding the confidentiality of the
41 document as an employee of the government body.

42 6. Issue subpoenas enforceable in court for the
43 purpose of investigating complaints and to facilitate
44 the prosecution and conduct of contested cases before
45 the board.

46 7. After appropriate board proceedings, issue
47 orders with the force of law, determining whether
48 there has been a violation of chapter 21 or 22,
49 requiring compliance with specified provisions of
50 those chapters, imposing civil penalties equivalent to

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1 and to the same extent as those provided for in
2 section 21.6 or 22.10, as applicable, on a respondent
3 who has been found in violation of chapter 21 or 22,
4 and imposing any other appropriate remedies calculated
5 to declare, terminate, or remediate any violation of
6 those chapters.

7 8. Represent itself in judicial proceedings to
8 enforce or defend its orders and rules through
9 attorneys on its own staff, through the office of the
10 attorney general, or through other attorneys retained
11 by the board, at its option.

12 9. Make training opportunities available to lawful
13 custodians, government bodies, and other persons
14 subject to the requirements of chapters 21 and 22 and
15 require, in its discretion, appropriate persons who
16 have responsibilities in relation to chapters 21 and
17 22 to receive periodic training approved by the board.

18 10. Disseminate information calculated to inform
19 members of the public about the public's right to
20 access government information in this state including
21 procedures to facilitate this access and including
22 information relating to the obligations of government
23 bodies under chapter 21 and lawful custodians under
24 chapter 22 and other laws dealing with this subject.

25 11. Prepare and transmit to the governor and to
26 the general assembly, at least annually, reports
27 describing complaints received, board proceedings,
28 investigations, hearings conducted, decisions
29 rendered, and other work performed by the board.

30 12. Make recommendations to the general assembly
31 proposing legislation relating to public access to
32 government information deemed desirable by the board
33 in light of the policy of this state to provide as
34 much public access as possible to government
35 information as is consistent with the public interest
36 and the need to protect individuals against undue
37 invasions of personal privacy.

38 Sec. 64. NEW SECTION. 23.7 FILING OF COMPLAINTS
39 WITH THE BOARD.

40 1. The board shall adopt rules with the force of
41 law and pursuant to chapter 17A providing for the
42 timing, form, content, and means by which any
43 aggrieved person, any taxpayer to or citizen of this
44 state, the attorney general, or any county attorney
45 may file a complaint with the board alleging a
46 violation of chapter 21 or 22. The complaint must be
47 filed within sixty days from the time the alleged
48 violation occurred or the complainant could have
49 become aware of the violation with reasonable
50 diligence.

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1 2. All board proceedings in response to the filing
2 of a complaint shall be conducted as expeditiously as
3 possible.

4 3. The board shall not charge a complainant any
5 fee in relation to the filing of a complaint, the
6 processing of a complaint, or any board proceeding or
7 judicial proceeding resulting from the filing of a
8 complaint.

9 Sec. 65. NEW SECTION. 23.8 INITIAL PROCESSING OF
10 COMPLAINT.

11 Upon receipt of a complaint alleging a violation of
12 chapter 21 or 22, the board shall do either of the
13 following:

14 1. Determine that, on its face, the complaint is
15 within the board's jurisdiction, appears legally
16 sufficient, and could have merit. In such a case the
17 board shall accept the complaint, and shall notify the
18 parties of that fact in writing.

19 2. Determine that, on its face, the complaint is
20 outside its jurisdiction, is legally insufficient, is
21 frivolous, is without merit, involves harmless error,
22 or relates to a specific incident that has previously
23 been finally disposed of on its merits by the board or
24 a court. In such a case the board shall decline to
25 accept the complaint. If the board refuses to accept
26 a complaint, the board shall provide the complainant
27 with a written order explaining its reasons for the
28 action.

29 Sec. 66. NEW SECTION. 23.9 INFORMAL ASSISTANCE
30 – MEDIATION AND SETTLEMENT.

31 1. After accepting a complaint, the board shall
32 promptly work with the parties through its employees
33 to reach an informal, expeditious resolution of the
34 complaint. If an informal resolution satisfactory to
35 the parties cannot be reached, the board or the
36 board's designee shall offer the parties an
37 opportunity to resolve the dispute through mediation
38 and settlement.

39 2. The mediation and settlement process shall
40 enable the complainant to attempt to resolve the
41 dispute with the aid of a neutral mediator employed
42 and selected by the board, in its discretion, from
43 either its own staff or an outside source.

44 3. Mediation shall be conducted as an informal,
45 nonadversarial process and in a manner calculated to
46 help the parties reach a mutually acceptable and
47 voluntary settlement agreement. The mediator shall
48 assist the parties in identifying issues and shall
49 foster joint problem solving and the exploration of
50 settlement alternatives.

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1 Sec. 67. NEW SECTION. 23.10 ENFORCEMENT.

2 1. If any party declines mediation or settlement
3 or if mediation or settlement fails to resolve the
4 matter to the satisfaction of all parties, the board
5 shall initiate a formal investigation concerning the
6 facts and circumstances set forth in the complaint.
7 The board shall, after an appropriate investigation,
8 make a determination as to whether the complaint is
9 within the board's jurisdiction and whether there is
10 probable cause to believe that the facts and
11 circumstances alleged in the complaint constitute a
12 violation of chapter 21 or 22.

13 2. If the board finds the complaint is outside the
14 board's jurisdiction or there is no probable cause to
15 believe there has been a violation of chapter 21 or
16 22, the board shall issue a written order explaining
17 the reasons for the board's conclusions and dismissing
18 the complaint, and shall transmit a copy to the
19 complainant and to the party against whom the
20 complaint was filed.

21 3. a. If the board finds the complaint is within
22 the board's jurisdiction and there is probable cause
23 to believe there has been a violation of chapter 21 or
24 22, the board shall issue a written order to that
25 effect and shall commence a contested case proceeding
26 under chapter 17A against the respondent. An attorney
27 selected by the director of the board shall prosecute
28 the respondent in the contested case proceeding. At
29 the termination of the contested case proceeding the
30 board shall, by a majority vote of its members, render
31 a final decision as to the merits of the complaint.
32 If the board finds that the complaint has merit, the
33 board may issue any appropriate order to ensure
34 enforcement of chapter 21 or 22 including but not
35 limited to an order requiring specified action or
36 prohibiting specified action and any appropriate order
37 to remedy any failure of the respondent to observe any
38 provision of those chapters.

39 b. If the board determines, by a majority vote of
40 its members, that the respondent has violated chapter
41 21 or 22, the board may also do any or all of the
42 following:

43 (1) Require the respondent to pay damages as
44 provided for in section 21.6 or 22.10, whichever is
45 applicable, to the extent that provision would make
46 such damages payable if the complainant had sought to
47 enforce a violation in court instead of through the
48 board.

49 (2) Void any action taken in violation of chapter
50 21 if a court would be authorized to do so in similar

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1 circumstances pursuant to section 21.6.
2 c. The board shall not have the authority to
3 remove a person from public office for a violation of
4 chapter 21 or 22. The board may file an action under
5 chapter 21 or 22 to remove a person from office for
6 violations that would subject a person to removal
7 under those chapters.
8 d. A final board order resulting from such
9 proceedings may be enforced by the board in court and
10 is subject to judicial review pursuant to section
11 17A.19.
12 Sec. 68. NEW SECTION. 23.11 DEFENSES IN A
13 CONTESTED CASE PROCEEDING.
14 A respondent may defend against a proceeding before
15 the board charging a violation of chapter 21 or 22 on
16 the ground that if such a violation occurred it was
17 only harmless error or that clear and convincing
18 evidence demonstrated that grounds existed to justify
19 a court to issue an injunction against disclosure
20 pursuant to section 22.8.
21 Sec. 69. NEW SECTION. 23.12 JURISDICTION.
22 The board shall not have jurisdiction over the
23 judicial or legislative branches of state government
24 or any entity, officer, or employee of those branches,
25 or over the governor or the office of the governor.
26 Sec. 70. IOWA PUBLIC INFORMATION BOARD –
27 TRANSITION PROVISIONS.
28 1. The initial members of the Iowa public
29 information board established pursuant to this
30 division of this Act shall be appointed by September
31 1, 2008.
32 2. Notwithstanding any provision of this division
33 of this Act to the contrary, the director of the board
34 and employees of the board shall not be hired prior to
35 July 1, 2009.
36 3. Prior to July 1, 2009, the board shall submit a
37 report to the governor and the general assembly. The
38 report shall include a job description for the
39 executive director of the board, goals for board
40 operations, and performance measures to measure
41 achievement of the board's goals.
42 Sec. 71. APPROPRIATION – IOWA PUBLIC INFORMATION
43 BOARD. There is appropriated from the general fund of
44 the state to the department of management for the
45 fiscal year beginning July 1, 2008, and ending June
46 30, 2009, the following amount, or so much thereof as
47 is necessary, to be used for the following purpose:
48 For the initial expenses of the Iowa public
49 information board as established in this division of
50 this Act:

1 \$6,000

2 Sec. 72. LEGISLATIVE INTENT – OPEN MEETINGS AND
3 PUBLIC RECORDS LAWS. It is the intent of the general
4 assembly to provide as much transparency in government
5 operations as possible consistent with the need to
6 avoid undue invasions of personal privacy and the need
7 to avoid significant interference with the achievement
8 of other important and legitimate state objectives.
9 To these ends, the general assembly will continue to
10 consider and make any necessary technical, practical,
11 and policy revisions to Iowa's open meetings law,
12 chapter 21, and Iowa's public records law, chapter 22.

13 DIVISION _____

14 WAGE-BENEFITS TAX CREDIT PROGRAM

15 Sec. 73. Section 15.335A, subsection 2, paragraphs
16 b and c, Code 2007, are amended by striking the
17 paragraphs and inserting in lieu thereof the
18 following:

19 b. "Average county wage" means the annualized,
20 average hourly wage based on wage information compiled
21 by the department of workforce development.

22 c. "Benefits" means all of the following:

23 (1) Medical and dental insurance plans. If an
24 employer offers medical insurance under both single
25 and family coverage plans, the employer shall be given
26 credit for providing medical insurance under family
27 coverage plans to all new employees.

28 (2) Pension and profit sharing plans.

29 (3) Child care services.

30 (4) Life insurance coverage.

31 (5) Other benefits identified by rule of the
32 department of revenue.

33 Sec. 74. Section 15.336, Code 2007, is amended to
34 read as follows:

35 15.336 OTHER INCENTIVES.

36 An eligible business may receive other applicable
37 federal, state, and local incentives and credits in
38 addition to those provided in this part. ~~However, a
39 business which participates in the program under this
40 part shall not receive any wage benefits tax credits
41 under chapter 15I.~~

42 Sec. 75. Section 15G.112, subsection 1, Code 2007,
43 is amended to read as follows:

44 1. In order to receive financial assistance from
45 the department from moneys appropriated from the grow
46 Iowa values fund, the average annual wage, including
47 benefits, of new jobs created must be equal to or
48 greater than one hundred thirty percent of the average
49 county wage. For purposes of this section, "average
50 county wage" and "benefits" mean the same as defined

Page 33

1 in section ~~15I.1~~ 15.335A.
2 Sec. 76. Section 422.33, subsection 18, Code
3 Supplement 2007, is amended by striking the
4 subsection.
5 Sec. 77. Section 422.60, subsection 10, Code
6 Supplement 2007, is amended by striking the
7 subsection.
8 Sec. 78. Section 533.329, subsection 2, paragraph
9 m, Code Supplement 2007, is amended by striking the
10 subsection.
11 Sec. 79. Sections 15I.2, 15I.3, and 422.11L, Code
12 Supplement 2007, are repealed.
13 Sec. 80. Sections 15I.1, 15I.4, 15I.5, and
14 432.12G, Code 2007, are repealed.
15 Sec. 81. CONTINUATION OF TAX CREDITS. The repeal
16 of chapter 15I in this division of this Act does not
17 affect the availability of tax credits for qualified
18 new jobs in existence on June 30, 2008. Qualified new
19 jobs in existence on June 30, 2008, shall continue to
20 be eligible to receive the tax credits for the
21 remainder of the five-year period. However, a
22 business is not entitled to a tax credit for a
23 qualified new job created on or after July 1, 2008."
24 27. By renumbering, relettering, or redesignating
25 and correcting internal references as necessary.

Wise of Lee offered the following amendment [H-8729](#), to the Senate amendment [H-8728](#), filed by him from the floor and moved its adoption:

[H-8729](#)

1 Amend the Senate amendment, [H-8728](#), to House File
2 2700, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 4, line 31, through page 5,
5 line 21.
6 2. By striking page 5, line 22, through page 6,
7 line 34.
8 3. Page 8, by striking lines 9 through 34.
9 4. Page 15, by inserting after line 48 the
10 following:
11 "____. Page 50, by striking lines 3 through 30."
12 5. By striking page 24, line 3, through page 32,
13 line 12.
14 6. By renumbering as necessary.

Amendment [H-8729](#) was adopted.

Oldson of Polk moved that the House concurred in the Senate amendment [H-8728](#), as amended.

Oldson of Polk moved that the bill, as amended by the Senate further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2700](#))

The ayes were, 51:

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

The nays were, 45:

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

Absent or not voting, 4:

Forristall

May

Roberts

Van Engelenhoven

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2700](#) be immediately messaged to the Senate.

REMARKS BY MINORITY LEADER RANTS

Rants of Woodbury offered the following remarks:

Mr. Speaker, ladies and gentlemen of the House...I direct my first comments to the pages – who unlike most, understand the direct correlation between Guitar Hero and John Galt. I hope that this year was a rewarding one. I've got to say that I think this is the best group of pages we've ever had.

Before I get along too far I want to say how proud I am of the Republicans in this chamber. To my assistant leaders, Kraig, Rod, Linda, Doug, & Jeff, thank you, and thank you Representative Raecker.

To my staff, Jeff, Josie, Allison, Lon, Brad, Mary, Ann, Lew, Kelly, Noreen and Jason, thank you for all you do.

And to all the members of our Republican Caucus, thank you. We stood at the wall ready to fight for what we believed. That willingness allowed us to save Iowa's Right to Work Law. We did what we could to stop the tax increases, we tried to maintain the integrity of our spending limitation law and we worked in a bipartisan way, as long as we were included in the decision making, on health care reform this year.

Thank you. We fulfilled our responsibilities as representatives of our constituents.

Now, I'd like to take this chance to point out a few of the lessons I've learned sitting at this desk. Some of the lessons I admittedly did not want to learn, some of them may be of interest to no one but me, and some of them are about very serious things.

For example, I've learned quorum calls are like watching the Godfather trilogy...every time you think they are about to end, they just keep *going*. They never end and when they finally do and I'm not really sure what happened.

I've learned that the best way to ensure that your priorities become law is simply to make sure that they are the same priorities of Senator Gronstal. I joked last year that he'd become Speaker Leader Governor Gronstal. I don't think it's a joke anymore.

I learned that the best way to keep a secret in this building is to simply draft a plan that is a priority of organized labor. You can be assured that nobody gets to see it, read it or understand it before it hits the floor.

I was taught a lot of lessons over the years by a lot of people. People like Ron Corbett, Brent Siegrist and Chuck Gipp taught me how to be Majority Leader, and Dick Myers, Dave Schrader and Bob Arnold taught me how to be Minority Leader. One of those lessons was that regardless of how much you disagree with what the minority leader says in their remarks on the floor, as long as they are not being disrespectful, you always give them latitude. I can't tell you how many times I listened to Dave Schrader and Dick Myers excoriate the Republican majority without being cut off or hit with a point of order. They were extended latitude. I learned that is not the case anymore. Democrats will not extend the same courtesy to Republicans that we extended to you.

You know, one of the things that has always frustrated me is the notion that all of us up here are the same. That Republicans and Democrats aren't any different from each other. You hear it all the time from voters frustrated with their government – that it doesn't matter who they talk to because they results are always the same.

I think the last two sessions have put that misguided notion to permanent rest. There are *significant* differences between the two parties.

In the last two years, Democrats in this chamber have raised taxes and increased state spending by nearly ONE BILLION dollars and still had to brake the expenditure limitation law to satisfy their absolutely unquenchable need for more government spending.

Even on the last day – surprise! Another \$7 million dollar property tax increase that was never talked about.

All, *all*, in the face record revenues and with money literally pouring into the state treasury at a record level.

It's like watching a scary movie where the teenager goes outside to investigate a strange noise. You know he's going to do it, but when he's does, you still can't believe he actually went through with it. That's what it was like watching the majority party blow through the expenditure limitation law.

Watching Iowa's Agenda, I heard one Democrat say the following:

"We in the majority seek the assistance of the minority to help the majority party recognize when maybe there are things we've not seen and bring these issues forward, and hopefully we can influence enough people that our funding doesn't get out of control."

Well, Republicans have been holding up warning signs for the last *two years* – and you've run through them all. This time, the bridge really *is* out – we are facing \$500 million in built-in expenditures with *no new funding*, all in a time of economic uncertainty.

I know how Democrats bristle at the charge of being elitists. Nobody likes to be put into *that* club. I know those of you in the majority party certainly don't think you belong in that category.

Well, if that is truly the case, then explain the following:

You gave Microsoft a big tax break, but didn't extend the same to smaller Iowa-based technology companies.

You've been openly hostile to Iowa's homeschoolers, while literally dumping millions of new dollars into public schools.

You thought it was okay to mandate gym class, but it wasn't okay to mandate the Pledge of Allegiance.

You tried to force Iowans to pay union dues, regardless if they belong to union or not.

You let big casinos drive through a loophole in the smoking ban, but you stuck it to small town restaurants and bars.

You found money for an antique organ, but you couldn't find the money for the deaf and blind children.

You gave Principal a nice \$750,000 gift for the riverwalk here in Des Moines, but you couldn't find any money to help fix old buildings on main street.

You gave a big pay raise to the governor, but you raised taxes on hundreds of thousands of working class Iowans who just want to be left alone to live their lives and make their own way.

And you know, I think that is the enduring theme of this legislature. A legislature which has continually told Iowans that we're going to do this for your own good – whether you like it or not, because government knows best.

Why? *Why?*

This legislature has made a deliberate effort to limit liberties in the name of what some of you think is the public good. Now I'm about to do something that I didn't think I'd ever do. I'm going to quote Hillary Clinton. I apologize to the Obama supporters but I found this quote from Senator Clinton and I think it perfectly describes the attitude of this General Assembly for the last two years.

In 2004 Senator Clinton said, "We're going to take things away from you on behalf of the common good."

The pages who read *Atlas Shrugged* know what a looter sounds like when they've heard one. Well, that's a looter, and this chamber is full of them.

Republicans came in here looking to find bi-partisan consensus on things like education standards for kids, making healthcare more portable, and finding relief for the property tax payer. We worked with you where you let us. When we disagreed with you, we did it out in the open. But when the going got tough, you dropped the bi-partisan compromise in favor of political expedience behind closed doors.

You raised taxes, increased government spending, limited the ability of people to make informed decisions about their own behavior. All, I assume, in the name of helping those who can't help themselves. All in the name of the little guy, of the forgotten man.

Ladies and Gentleman, the forgotten man the last two sessions was the taxpayer.

REMARKS BY MAJORITY LEADER MCCARTHY

McCarthy of Polk offered the following remarks:

Mr. Speaker, ladies and gentlemen of the House. I will try to be brief because I know it is very late.

First, I just want to say a few thank you's. First to you, Speaker Murphy. It has been good to be a part of your team. You are a good, loyal friend. You wear your heart on your sleeve. I think you're an honest person. It has been a pleasure to serve with you.

Secondly, I want to thank my staff: Mark Langgin and Brian Meyer. And, I also want to thank Bonnie, you've been a great Page, I hope it has been a good experience for you.

I would like to thank all the staff in the Speakers office. They have been fantastic to work with and also Chief Clerk Mark Brandsgard and all of your staff, as well as Paulee Lipsman and the caucus staff. Thank you all very much for all your work.

It may surprise you to believe that I have a somewhat different take on this legislative session. Perhaps slightly more up beat. I think this has been an historic session. And I think these last two years will go down as one of the best general assemblies ever, in the history of Iowa. Let me tell you why I think that is the case.

When House Democrats first came into power, about a year and a half ago, we said that we were going to try to work in a bi-partisan way and we were going to be a party that would govern from the mainstream, not the extreme. I think we have done just that - and middle class families are better off now as a result.

Because we have made, for the first time in a long time, some historic commitments to people. And we have maintained those commitments.

Unlike past legislatures that have abandoned those commitments when the belt needs to be tightened...and we did have a tightened belt budget here this year, but we maintained the commitments we started to education, 42nd in the country to 25th in teacher pay. Lowest tuition increase of the public universities in a quarter of a century.

Health care, 17,000 more Iowans have health care than last year, 10,000 of them children.

And the start of a major commitment to a renewable energy, last year we became, for the first time, a net exporter in energy. We exported more energy than we imported

in foreign oil. We are on our way over the next quarter century to be energy independent. We have the largest surplus in our bank accounts in the history of Iowa. That's an investment in people.

We have thought outside of the box and implemented programs that started last year to create jobs. Through economic development programs we have companies such as Sensor in Elkader, Iowa that look to hire, moving forward hundreds of employees creating accelerometers - motion detectors.

Thanks to the work of Representative Mark Davitt and others the film bill and now Grasshorse Entertainment is moving their entire national headquarters from California to Iowa. We have wind turbine companies coming here. We will have high wage, high tech jobs moving forward because of our economic development strategies and our focus on renewable energy technologies. We did those in a bipartisan way.

During this session, we also passed historic public health legislation. 99.9 per cent of all public health places will be smoke free. That has been a cultural shift and I said this before, I remember coming in for a tour of the Capitol as a child and everyone in the House smoked. Everyone in the Senate smoked, and everyone in the rotunda smoked. And I remember looking up to see that wonderful dome and I really couldn't because it was full of smoke. Who would believe that three decades later that would seem strange to look back and have that sort of environment. With the culture changing regarding smoke free places as well. I believe looking back a few years from now this will be the year that one of the single biggest public health measures ever passed in the history of Iowa. We will wonder why we ever waited this long. Both Democrats and Republican who helped pass that historic piece of legislation. Lives will be saved as a result.

The beginning of this legislative session seven Republicans and seven Democrats co-sponsored SILO legislation for school infrastructure and property tax equity. The SILO bill brings needed help to rural Iowa and will generate nearly one billion dollars in property tax relief moving forward. Thank you to the representatives that helped make that pass and to the seventeen republicans that voted yes on final passage. Representatives Mike Reasoner and Roger Wendt, you worked tirelessly with Representative Kaufmann and Representative Dolecheck to pass this historic legislation. It will create equity and funding for our students throughout the state. Thank you very much.

I would also like to thank Representatives Tomenga, Representative Hoffman, Representative Upmeyer for their work with Representative Foege, Representative Abdul-Samad, Representative Heddens and Representative Smith on health care reform issues. Because of their bi-partisan work, Iowa is on the path toward universal, affordable health care and coverage for all Iowa children.

I am going to end there because it is getting late. I just want to say that it has been a pleasure to serve with all of you. I have great friends here on both sides of the isle. I think we do work in a bi-partisan way. In the end the majority party does have to govern, and we have to do the heavy lifting and I know because we have been on the other side of that majority party status, been in the minority and know what that is like as well. But, we do bi-partisan work and when we do it I think we are better for it. I think Iowa is a better place for the work we did this year. So, it has been a

pleasure serving will all of you and it has been an honor to serve as majority leader of this great house. Thank you.

REMARKS BY SPEAKER MURPHY

Speaker Murphy offered the following remarks:

I want to thank everybody in this chamber for the opportunity to be the Speaker of the House. I want to thank all of the House members, the Democrats and Republicans. This is a very unique job. Representative Rants said to me when you get into leadership, especially when you become Speaker, there are things that are unique that you don't know until you're in the job. The one thing I will guarantee and tell all of you though is I do sleep well every night because I am exhausted every night I go home, especially tonight.

I also want to thank Governor Culver and Lt. Governor Judge. They have been excellent to work with both last year and this year. I think the relationship that we have developed has made it possible to get a lot of legislation done. They have worked very much with us in as much of a bi-partisan fashion as possible so that we could move the state forward.

I also want to thank the Senate. Yes, there is a House member thanking the Senate. Senator Mike Gronstal has been an excellent person to work with and the Senators in the Senate have been very respectful of us in trying to work to move legislation forward and it has been very nice to work with them.

I would also like to mention Representative McCarthy as well. I feel like we have had an excellent relationship over the last year and a half to do the things that we need to and I appreciate all the support and backing that you have given me over the last eighteen months. I would not have been able to get much done without your help. But then I also need to talk about the people here in the well who make everything go so well and so easy. They are working diligently here all the time when we are doing amendments and bills and nobody ever notices the team that Mark has put together that does the excellent job.

I wouldn't be able to say enough thank you's to the people in my office this year. Especially Carolyn, Ed, Dean, and Sabrina. They have done an excellent job of doing everything that needs to be done and getting me in the places that I need to be and getting me to say and do the things that I need to get through the day.

I also would like to thank all the Pages this year. This has been an excellent class, as Representative Rants has mentioned. They have been a good group, they seem to work well together and when I have had the few opportunities to talk to many of them it is obvious that we have a very successful class. Hopefully, you have learned some good things from us because I think a number of you will someday be in this chamber or somewhere else leading people in many different walks of life. And when I hear how well many of you are doing in school I see a bright future for Iowa.

I would like to talk a little bit lastly about the LSA staff. They work quietly around here. They fix all of our mistakes. When we make a mistake, they come up quietly and fix it for us and nobody ever knows the difference. Denny Prouty has done an excellent job with the LSA staff making sure that we get everything that we need. The only time you see them slow down is when we get in a rush to adjourn, though we actually have to wait for amendments and bills. It is a very professional staff; they really do make all of us look good and we should feel very proud of the job they do for the State of Iowa.

I also want to thank our caucus staff. I am not going to mention names because I know I won't remember all of them off the top of my head. But, I do appreciate and the caucus does appreciate everything that you do for us. I will argue with Representative Rants and debate him on the issue of who has the best staff. But, I think that we have the best staff.

I would like to talk a little bit about our legislative session and some of the things we talked about coming into it. We feel very good about what we have done both last year and this year. We talked about a plan for prosperity. Focusing on education from pre-school through college. We focused on making Iowa a green state, renewable fuels, creating the Power Fund, rewarding hard work. We added 16 points to that plan and we came in with the goal of trying to implement all 16 of them. And we felt like we did a very good job by implementing 15 of those 16 and continuing to fund those programs this year. We also feel very proud of the job we've done managing the budget. We have a balanced budget that funds the programs that we feel supports middle class families and we have also filled all of our cash reserves to record levels.

We have even done a good job of putting money back into the Senior Living Trust Fund. But along with that we also address the needs of Iowans. Needless to say we all got the opportunity to drive back and forth to Des Moines here through one of the roughest winters that I can remember in the last twenty or thirty years. We were able to pass a TIME-21 bill that will put one hundred and thirty eight million dollars per year into that fund by the year 2012. We also addressed here today some of our aging prison needs so that we can make sure that we improve public safety.

We did a lot of bi-partisan things too. Representative McCarthy talked about that. The SILO bill was probably an excellent example of where Democrats and Republicans worked together. Not all Democrats were for it and not all Republicans were for it. But we made the decision to move forward in trying to address infrastructure needs for our schools throughout the state regardless of whether they were urban or rural. We also put tax relief in that package. We might not have ended up doing our sixteen points of our plan for prosperity, but we ended up doing property tax relief in that SILO bill so that we could address some property tax equity issues for education.

Along with that, this year the federal government passed a federal stimulus package and we made sure that Iowans got to keep whatever came to this state and that there wouldn't be any taxes from the State of Iowa on the money that they would collect. And hopefully, we will collect it soon.

We focused on education again this year. Focusing on preschool; focusing on K-12 education; focusing on making sure that we have the best education in the state and that we rewarded our teachers' hard work.

Along with that we also looked at a number of other things, making Iowa a healthy place. As Representative McCarthy knows, we talked about what we could do to improve people's health and doing the statewide smoking ban protects 99 per cent of all Iowa workers from second hand smoke.

We also passed a bill today that will help insure that within the next three years the forty-four thousand kids that currently don't have health insurance in this state will have access to health insurance. This might make Iowa the first state in the nation to say that we really value our kids in health and education.

We also passed legislation this year on HPV, making sure that we help find a link and cure for cancer and we passed a healthy kids act today as well. To help fight childhood obesity and to promote wellness.

Again, we continue to work at making Iowa a green state. Doing the second year of the Power Fund, passing the surface water protection act. We also took the REAP program and got it up to eighteen million dollars. That is the highest level that REAP has been at in 16 years. And, hopefully, within the next two years we will be fully funding REAP at twenty-million dollars a year.

We also focused on what we could do to create economic opportunities for Iowans. We established a new River Enhancement Community Attraction and Tourism program, or RECAT as it is known. We also made sure that we funded our workforce development centers. So if you are a person looking for a job, it doesn't matter if you are in Kossuth County or in Dubuque. You know that a workforce development center is near and that they can help you identify a job so that you can keep working.

We also focused on some tax breaks for small businesses. When we did the federal stimulus package, nine-hundred thousand dollars was targeted toward small business. And we established a four-hundred and fifty thousand dollar microenterprise development program.

But, most importantly, I think back to a year ago, when I gave my closing night address here. I talked about Representative Ray Zirkelbach who wasn't here. What we did to make Iowa a green state is to really focus on what we can do to cure some of our country's ills by cutting down our dependency on foreign oil. And one of the things that we did this year with him returning and chairing the Veterans Affairs Committee was put a huge focus on Iowa's veterans. Making sure that their jobs are protected when they come back from the National Guard and from reserve duty. We found a three-million dollar annual funding source for the Veterans Trust Fund. This is the first time that we have had guaranteed funding going into the Veteran's Trust Fund and we assured that every county will have a veteran's affairs office to address their needs.

I feel like we have tried to work in a bi-partisan fashion and to put Iowans' needs first. It is not a case of Democrats winning or Republicans winning. It is about Iowa winning and putting Iowans first. I feel like we have focused on an agenda that does that and I hope that the work that we have done last year and this year will be recognized in the future. As Representative McCarthy pointed out, we will continue to build upon the quality that we have in this state which is based on Iowa's strong education system, having health care accessible to as many as possible, and guaranteeing a vital rural economy and helping it grow by making Iowa a green state.

But, I have spoken enough. It is time for us to get back to our families. It is time for us to focus on other parts of our lives and it is time for us to see if the work we did is the right kind of work. So, again, I thank you for giving me this opportunity to be the Speaker of the House and it has been a wonderful opportunity. But at the same time, I want to go home and make sure I get some windows in for my wife that I told her I would do last December, which are still not done.

I thank you all and may God bless all of you and have a good summer and fall.

Thank you

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 26, 2008, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

[House File 2700](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions.

Also: That the Senate has on April 26, 2008, adopted the following resolution in which the concurrence of the House is asked:

[Senate Concurrent Resolution 106](#), a Senate Concurrent Resolution to provide for adjournment sine die.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF [SENATE CONCURRENT RESOLUTION 106](#)

McCarthy of Polk asked and received unanimous consent for the immediate consideration of the following [Senate Concurrent Resolution 106](#), and moved it's adoption.

1 [SENATE CONCURRENT RESOLUTION 106](#)

2 By: Committee on Rules and Administration

3 A Senate Concurrent Resolution to provide for

4 adjournment sine die.

5 *Be It Resolved By The Senate, The House Concurring,*

6 That when adjournment is had on Saturday, April 26,

7 2008, it be the final adjournment of the 2008 Regular

8 Session of the Eighty-second General Assembly, and moved its adoption.

The motion prevailed and the resolution was adopted.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 25, 2008. Had I been present, I would have voted "aye" on the motion to suspend the rules to consider amendments [H-8669](#), [H-8670](#), [H-8674](#), [H-8680](#) and [H-8688](#) to [House File 2700](#). I would have voted "aye" on amendments [H-8665](#) and [H-8704](#) to [House File 2700](#). I would have voted "nay" on amendment [H-8705](#) to [House File 2700](#) and on [House File 2700](#).

ARNOLD of Lucas

On April 25, 2008, I inadvertently voted "nay" on [H-8674](#) to [House File 2700](#). I meant to vote "aye".

MERTZ of Kossuth

I was necessarily absent from the House chamber on April 25, 2008. Had I been present, I would have voted "aye" on amendments [H-8675](#) and [H-8704](#) to [House File 2700](#).

SCHICKEL of Cerro Gordo

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 28th day of April, 2008: House Files 2197, 2266, 2283, 2526, 2556, 2558, 2601, 2612, 2628 and 2668.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 25, 2008, he approved and transmitted to the Secretary of State the following bills:

[House File 2310](#), an Act requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent, guardian, custodian, or other person responsible for the child's care and child abuse.

[House File 2450](#), an Act relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date.

[House File 2555](#), an Act relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; the Iowa comprehensive health insurance association; workers' compensation liability insurance; consolidation, merger, and reinsurance; licensing of insurance producers; cemetery and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date.

[House File 2651](#), an Act relating to policies for the administration of highways and the regulation of motor vehicles and to deposits made by a county to the secondary road fund, physical ability tests required for fire fighter applicants, and certain obligations guaranteed by highway funds including matters concerning utility facility relocation due to highway construction, the bid threshold for emergency highway repairs, providing for new collegiate motor vehicle registration plates and providing fees, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, penalties for speeding violations committed in road work zones, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles, drinking driver courses offered at state correctional facilities, establishment of benefited secondary road services districts, and the defeasance of petroleum underground storage tank fund bonds, and providing an effective date.

[House File 2653](#), an Act relating to foreclosure consultants and foreclosure reconveyances, providing for criminal and civil penalties, and providing an effective date.

[Senate File 2161](#), an Act providing for the establishment of a council on homelessness.

[Senate File 2276](#), an Act relating to the disposal of solid waste by changing permitting requirements and updating and clarifying existing provisions.

[Senate File 2350](#), an Act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

[Senate File 2354](#), an Act concerning the home ownership assistance program for members of the military.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fourth grade students from Meeker Elementary School, Ames, Iowa, accompanied by Dr. Harold, Mrs. Mylenbusch and Mrs. Richey. By Wessel-Kroeschell of Story and Heddens of Story.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|---|
| 2008\3045 | Jim and Marge Anderson, Clarinda – For celebrating their 60 th wedding anniversary. |
| 2008\3046 | Clarence Lick, Muscatine – For celebrating his 80 th birthday. |
| 2008\3047 | Morgan Krehbiel, Donnellson – For being a 2008 Iowa Academic All-State Team Honoree. |
| 2008\3048 | Robert Bergeson, Ames – For celebrating his 80 th birthday. |
| 2008\3049 | James B. Morris Elementary School Kindergarten Students and Teachers, Des Moines – For being the only Des Moines area elementary school to participate in the Earth Day Grocery Bags Program. |
| 2008\3050 | Ina Dittmer, Milo – For celebrating her 90 th birthday. |

- 2008\3051 Bob and Joyce Reynolds, New Virginia – For celebrating their 50th wedding anniversary.
- 2008\3052 Don and Eunice Coffman, Winterset – For celebrating their 50th wedding anniversary.
- 2008\3053 Alex Debner, Jesup – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\3054 Jack and Janet Perry, Ellsworth – For celebrating their 50th wedding anniversary.

RESOLUTIONS FILED

[HCR 109](#), by McCarthy and Rants, a house concurrent resolution to provide for adjournment sine die.

Laid over under **Rule 25**.

[HR 161](#), by Ford, a resolution urging the Iowa State Fair Board to seek greater diversity in its events and attractions.

Laid over under **Rule 25**.

FINAL ADJOURNMENT

By virtue of [Senate Concurrent Resolution 106](#), duly adopted, the day of April 25, 2008 having arrived, the Speaker of the House of Representative declare the 2008 Regular Session of the Eighty-second General Assembly adjourned sine die at 2:38 a.m.

SUPPLEMENT TO HOUSE JOURNAL**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 29th day of April, 2008: House Files 2663 and 2690.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

Also: The following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 5th day of May, 2008: House Files 901, 2177, 2367, 2539, 2633, 2645, 2647, 2660, 2662, 2669, 2672, 2673, 2674, 2679, 2685, 2687, 2688, 2689, 2694, 2699 and 2700.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

**BILLS APPROVED, VETOED. OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on the bills passed by the 2008 Regular Session of the Eighty-second General Assembly and which action was had subsequent to the date of final adjournment.

[H.F. 901](#)— Concerning the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit and providing for fees. Approved 5-12-08.

[H.F. 2177](#)— Relating to the placement of deer transportation tags on antlered deer that have been taken pursuant to a deer hunting license. Approved 5-10-08.

- [H.F. 2197](#)– Recommending institutions of higher learning to provide students with specific textbook information. Approved 5-7-08.
- [H.F. 2266](#)– Relating to the criminal offenses of eluding or attempting to elude a law enforcement vehicle and the possession of an incendiary or explosive device or material, and the regulation of explosives, and providing penalties. Approved 5-7-08.
- [H.F. 2283](#)– Concerning eligibility for receiving a Vietnam Conflict veterans bonus for a certain period of active duty military service, providing a penalty, and including an effective date and retroactive applicability provision. Approved 5-5-08.
- [H.F. 2367](#)– Relating to the tally of absentee votes by precinct at certain elections. Approved 5-10-08.
- [H.F. 2526](#)– Relating to the disposition of school property. Approved 5-7-08.
- [H.F. 2539](#)– Relating to health care reform including health care coverage intended for children and adults, health information technology, long-term living planning and patient autonomy in health care, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, disease prevention and wellness initiatives, health care transparency, health care access, the direct care workforce, making appropriations, and including effective date and applicability provisions. Approved 5-13-08.
- [H.F. 2556](#)– Relating to the regulatory duties of the banking division of the department of commerce regarding banking, debt management, delayed deposit services, mortgage banking, and industrial loan companies, and providing penalties. Approved 5-10-08.
- [H.F. 2558](#)– Relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance. Approved 5-7-08.
- [H.F. 2601](#)– Providing for the state interagency Missouri river authority. Approved 5-7-08.
- [H.F. 2612](#)– Relating to natural resources, including by providing for the powers and duties of the department's director and natural resource commission, and the regulation of public lands, waters, and outdoor recreation, providing for fees, providing for penalties and making penalties applicable and providing an effective date. Approved 5-10-08.
- [H.F. 2628](#)– Including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable. Approved 5-7-08.

- [H.F. 2633](#)— Relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date. Approved 5-10-08.
- [H.F. 2645](#)— Concerning public employee collective bargaining and teacher discipline. Vetoed 5-15-08. See Governor's Veto Message.
- [H.F. 2647](#)— Relating to and making appropriations to the judicial branch. Approved 5-10-08.
- [H.F. 2660](#)— Relating to and making appropriations to the justice system. Approved 5-9-08 with the exception of Section 21. See Governor's Item Veto Message.
- [H.F. 2662](#)— Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection. Approved 5-13-08.
- [H.F. 2663](#)— Relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal, providing property tax relief, providing for the reduction in the state sales and use tax, providing a penalty, and including an effective date provision. Approved 5-6-08.
- [H.F. 2668](#)— Relating to the disposal and recycling of used oil filters. Approved 5-12-08.
- [H.F. 2669](#)— Relating to the collection and recycling of mercury-added thermostats. Approved 5-12-08.
- [H.F. 2672](#)— Relating to water use permit fees, creating a new water use permit fund, and making appropriations. Approved 5-10-08.
- [H.F. 2673](#)— Relating to the inheritance tax on any interest in a qualified tuition plan. Approved 5-10-08.
- [H.F. 2674](#)— Concerning appropriations to the office of grants enterprise management and including an effective date provision. Approved 5-10-08.
- [H.F. 2679](#)— Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions. Approved 5-9-08 with the exception of Section 5, subsection 1, paragraph b. See Governor's Item Veto Message.
- [H.F. 2685](#)— Relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee. Approved 5-10-08.

- [H.F. 2687](#)— Relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties. Approved 5-15-08.
- [H.F. 2688](#)— Providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, providing for implementation, and including applicability and effective date provisions. Approved 5-15-08.
- [H.F. 2689](#)— Relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, providing for tax credits, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, and providing for effective dates and applicability. Approved 5-12-08.
- [H.F. 2690](#)— Relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for properly related matters, and including an effective date. Approved 5-5-08.
- [H.F. 2694](#)— Relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date. Approved 5-15-08.
- [H.F. 2699](#)— Relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and providing effective dates. Approved 5-13-08.
- [H.F. 2700](#)— Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions. Approved 5-15-08 with the exception of Section 12, Section 44, Section 45, the last sentence in Section 49, Section 50, Section 56, Section 98, Section 120, Section 126. See Governor's Item Veto Message.
- [S.J.R. 2003](#)— Authorizing the temporary use and consumption of alcoholic beverages on the State Capitol Complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date. Approved 5-7-08.
- [S.J.R. 2005](#)— Authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation. Approved 5-7-08.

- [S.F. 517-](#) Relating to the development, management, and efficient use of energy resources, making energy-related modifications to the state building code, setting fees, making appropriations, and providing an effective date. Approved 4-29-08.
- [S.F. 2124-](#) Relating to income tax checkoffs and authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority and including a retroactive applicability date provision and providing an effective date. Approved 5-5-08.
- [S.F. 2132-](#) Relating to notices regarding the disposition of seized property and providing an effective date. Approved 5-10-08.
- [S.F. 2134-](#) Relating to veterans affairs by modifying training requirements, requiring executive directors and administrators to provide minimum hours of service in each county, specifying executive director, administrator, and employee duties, creating a county commission of veteran affairs training program, creating a county commissions of veteran affairs fund, providing an appropriation, concerning eligibility criteria for special gold star motor vehicle registration plates and providing an effective date. Approved 5-5-08.
- [S.F. 2160-](#) Relating to employers' participation in unemployment insurance adjudications and unemployment insurance tax penalties, and providing an effective date. Approved 5-15-08.
- [S.F. 2203-](#) Relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators. Approved 5-7-08.
- [S.F. 2216-](#) Concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system. Approved 5-1-08.
- [S.F. 2222-](#) Relating to payment of wages. Approved 5-7-08.
- [S.F. 2303-](#) Relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date. Approved 5-7-08.
- [S.F. 2308-](#) Relating to identity theft by providing for the notification of a breach in the security of personal information, requesting the establishment of an interim study committee relating to disclosure of personal information by public officials, entities, and affiliated organizations, and providing penalties. Approved 5-10-08.
- [S.F. 2321-](#) Relating to the recycling of mercury-containing lamps by providing for a study. Approved 5-7-08.

- [S.F. 2337](#)– Relating to the purchase of liability insurance and to self-insurance by association of Iowa fairs. Approved 5-7-08.
- [S.F. 2341](#)– Relating to Alzheimer's disease and similar forms of irreversible dementia. Approved 5-7-08.
- [S.F. 2348](#)– Relating to the management of cooperative associations. Approved 5-7-08.
- [S.F. 2364](#)– Related to the emancipation of a minor. Vetoed 5-15-08. See Governor's Veto Message.
- [S.F. 2386](#)– Relating to energy efficiency by establishing a commission on energy efficiency standards and practices, providing for the reporting of energy efficiency results and savings by gas and electric public utilities, specifying procedures for assessing potential energy and capacity savings and developing energy efficiency goals by gas and electric utilities not subject to rate regulation, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing for the establishment of an interim study committee to conduct an examination of energy efficiency plans and programs with an emphasis on the demand or customer perspective, and providing an effective date. Approved 5-6-08.
- [S.F. 2392](#)– To regulate viatical settlements, and providing for fees and penalties. Approved 5-10-08.
- [S.F. 2394](#)– Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date. Approved 5-13-08.
- [S.F. 2400](#)– Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective and retroactive applicability date. Approved 5-12-08 with the exception of Section 15, unnumbered paragraph 5. See Governor's Item Veto Message.
- [S.F. 2405](#)– Relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates. Approved 5-1-08.
- [S.F. 2406](#)– Relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees,

abolishing certain related entities, and including effective date and applicability provisions. Approved 5-10-08.

[S.F. 2413](#)–

Relating to school budgets, including by providing for requests and applications submitted by school districts to the school budget review committee and documents submitted to other state agencies concerning school district finances, and providing an effective date. Approved 5-7-08.

[S.F. 2415](#)–

Allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy. Approved 5-9-08.

[S.F. 2417](#)–

Relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund and providing for the repeal of the Healthy Iowans Tobacco Trust, and providing effective dates. Approved 5-13-08 with the exception of Section 1, subsection 2, paragraph a, subparagraph (4), Section 1, subsection 2, paragraph b, subparagraphs (1) through (6). See Governor's Item Veto Message.

[S.F. 2418](#)–

Relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits. Approved 5-10-08.

[S.F. 2419](#)–

Relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions. Approved 5-7-08.

[S.F. 2422](#)–

Relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, authorizing repayment of audit expenses to the auditor of state, and providing an effective date and applicability provision. Approved 5-7-08.

[S.F. 2424](#)–

Concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates. Approved 5-15-08.

[S.F. 2428](#)–

Relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to debt and tax collection practices and fees, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable. Approved 5-15-08.

- [S.F. 2429](#)– Relating to budget requirements by certain small cities and providing an effective date. Approved 5-7-08.
- [S.F. 2430](#)– Relating to economic development by creating a community microenterprise development organization grant program, a microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions. Approved 4-29-08.
- [S.F. 2432](#)– Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bond fund, and related matters, and providing effective and retroactive applicability date provisions. Approved 5-9-08 with the exception of Section 35. See Governor's Item Veto Message.

GOVERNOR'S VETO MESSAGES

A copy of the following communication was received and placed on file:

May 15, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby disapprove and transmit to you [House File 2645](#), an Act concerning public employee collective bargaining and teacher discipline, without my signature, in accordance with Article III, section 16 of the Constitution of the State of Iowa.

On January 15, 2008, when I delivered my Condition of the State address, I urged legislators to consider a number of reforms aimed at making Iowa a better place for its workers and managers. Included in the proposals I made at that time was the suggestion that members of the General Assembly openly debate labor-management issues. I said:

[F]or the benefit of working Iowans, I challenge you to try to find consensus, and to not be afraid to debate difficult issues, like, prevailing wage, independent contractor reform, choice of doctor, fair share, and the right to bargain matters like employee discipline and discharge.

This Administration stands ready to revise, amend and improve Iowa's labor laws and strongly supports the principles of collective bargaining. When we do so, however, we must exert care to assure that such changes are achieved in ways that use normal legislative processes, fully reflecting the gravity and importance of the issues under consideration, and in ways that assure that the citizens who grant us the privilege of holding public office have every opportunity to weigh-in and have their voices heard.

[House File 2645](#) is a bill that does not simply modify, but, rather, completely re-writes, both our public sector collective bargaining law under Iowa Code chapter 20, and the teacher discipline and discharge provisions under Iowa Code chapter 279.

In 1973, after years of statewide effort and public debate, and after countless public hearings convened by the House and Senate here in the capitol, a bill for a law known as the Iowa Public Employment Relations Act, now chapter 20 of the Iowa Code, was brought to the floor of the general assembly for a debate that would extend over a two-year period. In the second session, the Act came up for consideration as a special order of business. The debate lasted for twelve days. One hundred ninety-eight amendments were offered, fifty-eight of which were adopted in whole or in part.

In contrast to the process undertaken thirty years ago, the core principles that normally guide the legislative process – fair advance notice to the public of what laws we intend to change or create, citizen access to the lawmaking process, and minimizing taxpayer uncertainty as to economic effects of a law by drafting laws with clarity – were not sufficiently respected in the case of [House File 2645](#).

The result is a poorly written bill with sometimes-ambiguous language that raises troubling, unanswered questions and unresolved uncertainties for management, labor and taxpayers alike. At the heart of the ambiguities is the “open scope” language of the bill, which does not define what is, and what is not, a part of the “other terms and conditions not already excluded,” that could be made subject to mandatory bargaining. As a result, if [House File 2645](#) were to become law, the reasonably settled expectations of thirty years of practice under existing law would be placed at risk. The hybrid law—unlike that of any other state in the nation—consisting of a substantially lengthened “laundry list” of Iowa’s statutorily-based mandatory bargaining issues, combined with “open scope” language borrowed from the federal National Labor Relations Act, could result in an almost unlimited reach of mandatory bargaining topics, all of which could be made subject to binding arbitration upon impasse and which could potentially result in untold and unintended obligations resulting in substantial tax increases.

Similarly, the proposed changes to chapter 279 would make Iowa’s education law an outlier in a number of significant ways. No other state has abolished the probationary, “at-will” period of new teacher employment. No other state assigns teacher termination and disciplinary decisions to a third-party adjudicator, and then denies the right of the parties to appeal and judicial review. No other area of Iowa administrative law so severely limits the use of hearsay evidence in agency proceedings as is provided in [House File 2645](#).

Iowans from all walks of life have registered their concerns about [House File 2645](#), and we have listened to those concerns. In addition to the nearly 6,000 citizens who have offered their opinions in e-mails, letters and telephone calls, the Lt. Governor and

I, along with our senior staff members, have collectively engaged in more than thirty meetings with individuals representing labor and management and elected officials from all public sectors: state, county and city governments; school districts and community colleges; municipal utilities and rural water districts. Our office has sought and received the counsel of some of Iowa's most experienced and respected public sector collective bargaining negotiators—from both the management and the public employee sides of the table.

That Iowans are concerned about the particular approach to change that [House File 2645](#) represents does not mean that present laws should not be reformed. Indeed, in the course of our intensive review of this bill with stakeholders and citizens, we have become more convinced than ever before that, after full public debate and discussion, modifications to existing law under chapter 20 should be seriously considered to include additional areas of mandatory bargaining, such as discipline and discharge issues and matters related to worker safety.

Iowa's public sector labor law now comprises a rich, complex fabric, woven of many threads, both visible and invisible, that reach from the dome of the state capitol to every corner of the state. A sudden pull on a single thread of any fabric, if one is not careful, may render more destruction to it than a tailor ever intended. So, too, care must be taken not to inflict unintended adverse harms in a rush to modify complex laws and practices.

After this careful review of the bill, we understand what is right, and what is wrong, with it. Some people had urged this Administration to stitch together a compromise agreement in the closing days of the legislative session. We determined, however, that there was no common thread of sufficient strength, no shared understanding of sufficient breadth, to patch this bill together in a new way that would satisfy stakeholders and protect taxpayers, alike.

Further, we were determined not to replace one flawed, rushed legislative process that largely excluded the public with another, essentially closed, negotiation process, in an effort to draft yet another substitute bill. Iowa taxpayers would understandably have been wary of any sudden compromise that appeared to have been merely the result of political expediency rather than the end product of a careful, principled, deliberative legislative review conducted in the full light of day.

For all these reasons, I hereby disapprove and transmit to you, without my signature, [House File 2645](#), in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Sincerely,
Chester J. Culver
Governor

May 15, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2364](#), an Act related to the emancipation of a minor. Iowa is one of several states without a statutory emancipation process, although particular sections of the Code and common law provide for some aspects of emancipation. While I recognize the need to consider adding a statutory emancipation process to the Iowa Code, and I commend the legislature for addressing this important issue, I am unable to approve [Senate File 2364](#).

Accordingly, I hereby disapprove and transmit to you, without my signature, [Senate File 2364](#), an Act related to the emancipation of a minor, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

[Senate File 2364](#) places the emancipation provisions in a little-used division of the juvenile justice chapter of the Code—Family in Need of Assistance Proceedings (FINA). FINA allows parents and children whose conflicts with each other have led to a breakdown of the familial relationship to seek assistance from the juvenile court. To allow emancipation of a minor in the context of a FINA proceeding is inconsistent with the intent of FINA proceedings. This point is illustrated by the fact that in order for an emancipation order to be entered, the court would have to make wholly inconsistent findings. To adjudicate the family to be a family in need of assistance, the court must find that there has been a breakdown in the family relationship, the family has sought services to maintain and improve the family relationship, and the court has at its disposal services for this purpose. However, to enter an emancipation order, the court must find “by clear and convincing evidence, that no remedy is available that would result in strengthening or maintaining the familial relationship.”

Perhaps the most troubling aspect of [Senate File 2364](#) is the lack of criteria for the court to consider when making an emancipation decision. For example, the court need not determine that the minor is financially self-sufficient or able to maintain education or employment. The bill does not require the court to find that the minor clearly understands the risks and consequences of emancipation or even that emancipation is in the best interest of the minor. As a result, [Senate File 2364](#) would allow parents in conflict with their minor child to seek emancipation of the child in order to evade financial responsibility for the child. Once an emancipation order is entered, the court has no continuing jurisdiction; therefore, there is no apparent remedy if the emancipated minor is unable to support himself or herself.

For the above reasons, I hereby respectfully disapprove [Senate File 2364](#).

Sincerely,
Chester J. Culver
Governor

GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communication was received and placed on file:

May 9, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2660](#), an Act relating to and making appropriations to the justice system. [House File 2660](#) is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve Section 21 in its entirety. This section requires payment of a filing fee for all persons seeking post-conviction relief under Code Chapter 822.

Post-conviction relief actions may be brought based on various legal grounds, including challenges to convictions with constitutional and statutory implications and challenges to prison discipline, which may be less substantial. By requiring a filing fee in every case, this legislation could eliminate a small number of potentially frivolous lawsuits challenging, for instance, prison discipline, but would have a chilling effect on those indigent persons unjustly convicted whose only recourse may be post-conviction relief.

The potential diminishment such persons' fundamental right of access to our courts is of special concern to this Administration, in light of the disturbing fact that our State is now stung with an unfortunate reputation for incarcerating a higher percentage of our minority citizens than any other state in our nation.

While it may be true that most people who file for post-conviction relief are incarcerated, are most likely indigent and may be able to have the filing fees waived, it is also the case that obtaining such a waiver comes with a cost both in court-time, necessary to consider the application to proceed without paying the filing fee, and in indigent defense costs, arising from fees payable to a court-appointed attorney for preparing the papers to obtain the filing fee waiver.

While this Administration is intolerant of frivolous lawsuits, it is also of the belief that the serious costs and consequences in denying or inhibiting court access to those who are wrongfully convicted or incarcerated far out-weigh the benefits derived from any potential reduction in the number of frivolous law suits that this provision may well have been aimed to achieve.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [House File 2660](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 9, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2679](#), an Act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters and including effective date provisions. [House File 2679](#) is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the designated portion of section 5, subsection 1, paragraph b, of this bill. This paragraph specifies that the Department of Education will allocate 10 full-time equivalent positions to support management of the community college management information system, expansion of the State Board of Education's model core curriculum, development and implementation of strategic educational goals, collection and dissemination of resources related to the human growth and development curriculum, district sharing purposes, and the senior year plus program study.

This language was added to last year's appropriations bill for the Department of Education to correspond with the addition of new staff to perform the above-referenced functions. The Department of Education is currently performing all of the functions identified in the bill and understands that they are responsible to provide staff to support these purposes within the full-time equivalent limit assigned by the legislature. Therefore, this language is unnecessary, and, consistent with efforts to eliminate extraneous bill language, I am unable to approve it.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [House File 2679](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 15, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2700](#), an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective and retroactive applicability date provisions. [House File 2700](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 12 of [House File 2700](#) in its entirety. This language increases the annual salary rate of the elective executive officials of the State, including the governor, lieutenant governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state. As Iowans struggle to cope with rising costs and economic uncertainties, this is not the time to increase the salaries of the elected statewide officers of the State.

I am unable to approve Section 44 of [House File 2700](#) in its entirety because this language provides an opportunity for only five active members of the Peace Officers' Retirement System (PORS) to receive undeserved special treatment that will be costly to Iowa taxpayers. Section 44 provides this small group of individuals the opportunity to purchase service for years of employment while at a city fire or police department prior to July 1, 1992. Those who would benefit from this section and Section 98 (see below) of [House File 2700](#) had an opportunity to purchase this service from July 1, 2006 to July 1, 2007 and did not take advantage of this opportunity. In one case, an individual would receive an estimated \$33,000 annual increase in benefits. Overall, the unearned benefits for these five individuals could be as high as \$1.8 million. This action could establish a worrisome precedent for creating special carve-outs from our pension funds for small groups of employees.

I am unable to approve Section 45 of [House File 2700](#) in its entirety because the section would reduce professional standards of the recently established statewide electrician licensing program. This language would require the Electrical Examining Board to adopt rules to create a specially designated license for those individuals who held a locally issued electrician license obtained by passing an examination not approved by the Board for purposes of granting a state Class A license. I am concerned that grandfathering in more electricians who cannot meet the established Class A license requirements creates a public safety concern. I encourage the Electrical Examining Board to take steps to make the examination process more accessible at the local level.

I am unable to approve the designated item of the last sentence in Section 49 of [House File 2700](#). This proposed language requires that five members of the Hospital Licensing Board shall possess recognized ability in the field of hospital administration and one member shall represent the general public. We need more public

representation on the Hospital Licensing Board in order to reduce the inherent conflict of interest that members representing the hospital industry face and in order to provide greater voice for the consumers regarding licensing rules that directly affect hospital care.

I am unable to approve Section 50 of this bill in its entirety because state law has no jurisdiction over Federal regulatory actions. This section imposes timeline and procedural requirements that are in conflict with the Federal survey and certification processes for health care facilities. Even if this language only affected state requirements, the proposed timelines would have a significant fiscal impact on the Department of Inspections and Appeals and are unreasonable.

I am unable to approve Section 56 of [House File 2700](#) in its entirety because the proposed timelines are unreasonable. This language would reduce the timeframe for reporting findings to an assisted living program from the current 20 working days to 10 working days. It would run counter to unannounced evaluations and make it impossible to ensure accurate compliance evaluations, which help protect the welfare of Iowans living in assisted living facilities.

I am unable to approve Section 98 of [House File 2700](#) in its entirety. This section, which is related to the above-referenced Section 44, creates an unlimited appropriation from the General Fund to credit PORS for the amount of lost contributions to the Municipal System plus interest for this select group of individuals. As I have item vetoed Section 44, this section is no longer necessary.

I am unable to approve Sections 120 and 126 in their entirety. These sections provide corrective language to [House File 2645](#), the collective bargaining bill. Since I have already vetoed [House File 2645](#), these sections are no longer necessary.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [House File 2700](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 12, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2400](#), an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective and retroactive applicability date. [Senate File 2400](#) is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the designated portion of Section 15, unnumbered paragraph 5, in its entirety. This paragraph directs the Department of Management to include in its budget request funding for the salaries of the director and assistant director of the Tim Shields Center for Governing Excellence in Iowa and also requires the Governor to include such funding in his budget recommendation for Fiscal Year 2010. While I strongly support efforts to improve innovation in our state and local governments, this language requires an Executive Branch department to provide funding by a pass-through appropriation for yet-to-be-determined non-Executive Branch positions. Further, the proposed language is premature until the Local Government Innovation Commission determines where the Tim Shields Center for Governing Excellence in Iowa will be located. My understanding is that the Commission will be asking for proposals this fall and making a recommendation on awarding a contract and funding later this calendar year. I look forward to reviewing the work of the Local Government Innovation Commission and will seriously consider any proposals that are made.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 2400](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 13, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2417](#), an Act relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund and providing for the repeal of the Healthy Iowans Tobacco Trust, and providing effective dates. [Senate File 2417](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve item designated as Section 1, subsection 2, paragraph a, subparagraph (4) in its entirety. This designated language continues general language on substance abuse treatment expenditures. These directives are already in place, and, therefore, this language is unnecessary.

Finally, I am unable to approve item designated as Section 1, subsection 2, paragraph b, subparagraphs (1) through (6) in their entirety. This designated language continues general language on substance abuse treatment expenditures. These directives are in place, and, therefore, this annual report language is unnecessary.

These actions of disapproval are consistent with efforts to remove extraneous bill language.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 2417](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 9, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2432](#), an Act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bond fund, and related matters, and providing effective and retroactive applicability date provisions. [Senate File 2432](#) is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve section 35 of this bill in its entirety. This section changes the due date of the Public Transit Funding Study report called for in [Senate File 2420](#) that the Department of Transportation must submit to the Governor and General Assembly from December 1, 2009 to December 31, 2008. The shortened deadline does not provide adequate time to conduct an effective and comprehensive study that will assure the provision of useful data and meaningful recommendations. This disapproval action will provide the Department of Transportation with adequate time to complete this statewide study by maintaining the original deadline of December 1, 2009.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 2432](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor