

PROOF

STATE OF IOWA

House Journal

SATURDAY, APRIL 25, 2009

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JOURNAL OF THE HOUSE

One Hundred-fourth Calendar Day - Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Saturday, April 25, 2009

The House met pursuant to adjournment at 10:26 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Chuck Soderberg, state representative from Plymouth County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Allison Adams, House Page from Montgomery.

The Journal of Friday, April 24, 2009 was approved.

PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto, from seventy-nine constituents from the seventh district opposing excessive government spending.

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 24, 2009, passed the following bill in which the concurrence of the House is asked:

[Senate File 478](#), 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.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

[Senate File 478](#), by committee on appropriations, 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 date and retroactive and other applicability provisions.

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

The House stood at ease at 10:36 a.m., until the fall of the gavel.

The House resumed session at 11:26 a.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas, Baudler of Adair, until his arrival, and De Boef of Keokuk on request of Tymeson of Madison; Van Engelenhoven of Marion, until his arrival, on request of Tymeson of Madison.

CONSIDERATION OF BILLS

Appropriations Calendar

[Senate File 471](#), a bill for an act relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund to fund tax credits for innovative renewable energy generation components, transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, providing transition provisions relating to the transfer of authority, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Petersen of Polk offered the following amendment [H-1657](#) filed by the committee on ways and means and moved its adoption:

[H-1657](#)

- 1 Amend [Senate File 471](#), as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. By striking page 6, line 33, through page 7,
4 line 1.
 - 5 2. Page 10, line 21, by inserting after the word
6 "funds" the following: "or the permissible limit
7 for administrative cost expenditures specified in the
8 federal Act if such limit is less than five percent".
 - 9 3. Page 10, by striking line 33 and inserting the
10 following: "469.9, subsection 4, and notwithstanding
11 the limitation on the amount of tax credits under
12 section 15.335, the board may allocate up to one".
 - 13 4. By renumbering as necessary.

The committee amendment [H-1657](#) was adopted.

D. Olson of Boone offered the following amendment [H-1728](#) filed by him from the floor and moved its adoption:

[H-1728](#)

- 1 Amend [Senate File 471](#), as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 17, by striking lines 26 through 35 and
4 inserting the following:
5 "~~13. 12.~~ Conduct a study on activities related to
6 energy production and use which contribute to global
7 climate change ~~and the depletion of the stratospheric~~
8 ~~ozone layer, in conjunction with institutions under~~
9 ~~the control of the state board of regents. The study~~
10 ~~shall identify the types and relative contributions of~~
11 ~~these activities in Iowa. The department shall~~
12 ~~develop a strategy to reduce emissions from activities~~
13 ~~identified as having an adverse impact on the global~~
14 ~~climate and the stratospheric ozone layer. The study~~
15 ~~shall take the form of a climate change impacts~~
16 ~~review, to include the following:~~
17 a. Performance of an initial review of available
18 climate change impacts studies relevant to this state.
19 b. Preparation of a summary of available data on
20 recent changes in relevant climate conditions.
21 c. Identification of climate change impacts issues
22 which require further research and an estimate of
23 their cost.
24 d. Identification of important public policy
25 issues relevant to climate change impacts.
26 In the course of the review, the institutions shall
27 meet at least twice with the Iowa climate change

28 advisory council established in section 455B.851. The
 29 department office shall submit a report, based upon
 30 input from the institutions, containing its findings
 31 and recommendations to the governor and general
 32 assembly by January 1, ~~1992~~ 2011."
 33 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 48, nays 43.

Amendment [H-1728](#) was adopted.

Abdul-Samad of Polk in the chair at 11:51 a.m.

Reichert of Muscatine 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. 471](#))

The ayes were, 79:

Anderson	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	Drake	Ficken	Ford
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heddens	Hunter	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Petersen
Quirk	Rants	Rayhons	Reasoner
Reichert	Roberts	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Worthan	Zirkelbach	Abdul-Samad, Presiding	

The nays were, 16:

Alons	Deyoe	Dolecheck	Forristall
Heaton	Helland	Horbach	Huseman
Koester	Paulsen	Pettengill	Raecker
Sands	Van Engelenhoven	Watts	Windschitl

Absent or not voting, 5:

Arnold	Baudler	Chambers	De Boef
Kressig			

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

[House File 828](#), a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes, was taken up for consideration.

Cohon of Des Moines offered amendment [H-1732](#) filed by him from the floor as follows:

[H-1732](#)

- 1 Amend [House File 828](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 APPROPRIATION BONDS
- 6 Section 1. ~~NEW SECTION.~~ 12.90A ANNUAL
- 7 APPROPRIATION BONDS.
- 8 1. As used in this section, unless the context
- 9 otherwise requires:
- 10 a. "Annual appropriation bonds" means bonds,
- 11 notes, or other evidences of obligations of the state
- 12 which may be payable during a fiscal year from one or
- 13 more of the following sources, subject to the
- 14 limitations contained in this section:
- 15 (1) Moneys appropriated by law for the payment of
- 16 debt service due with respect to the annual
- 17 appropriation bonds during that fiscal year.
- 18 (2) Proceeds of the sale of the annual
- 19 appropriation bonds.
- 20 (3) Payments received under authorizing documents

21 and other agreements and ancillary arrangements
22 entered into with respect to the annual appropriation
23 bonds.
24 (4) Investment earnings on amounts described in
25 subparagraphs (1) through (3).
26 b. "Appropriation" means an act of appropriation
27 by the general assembly which has become law by
28 approval of the governor or otherwise.
29 c. "Authorizing documents" means a trust
30 indenture, resolution, or other instrument pursuant to
31 which annual appropriation bonds are issued in
32 accordance with the provisions of this section and
33 setting forth the terms and conditions thereof.
34 2. The treasurer of state is authorized to issue
35 and sell annual appropriation bonds on behalf of the
36 state to provide funds for certain infrastructure
37 projects and other purposes as provided in subsection
38 4 and to refund any annual appropriation bonds
39 previously issued, and shall have all powers necessary
40 and convenient to carry out the treasurer of state's
41 duties, and exercise the treasurer of state's
42 authority, under this section.
43 3. Annual appropriation bonds may be issued and
44 sold in one or more series on the terms and conditions
45 the treasurer of state determines to be in the best
46 interest of the state, in accordance with this section
47 in such amounts as the treasurer of state determines
48 to be necessary to fund the purposes for which such
49 annual appropriation bonds are issued. The treasurer
50 of state may issue annual appropriation bonds in

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1 amounts which provide aggregate net proceeds of not
2 more than one hundred five million dollars for
3 purposes of alternative energy projects and for
4 purposes of the vertical infrastructure restricted
5 capitals fund created in section 8.57D.
6 4. The treasurer of state may issue annual
7 appropriation bonds as the treasurer of state
8 determines necessary or desirable to pay for
9 expenditures for certain infrastructure projects and
10 other purposes as provided in subsection 3, to the
11 extent practicable in any fiscal year and without
12 limiting other qualifying capital expenditures
13 considered and approved by a constitutional majority
14 of each house of the general assembly and the governor
15 and to provide sufficient funds for the payment of
16 interest on the annual appropriation bonds, the
17 establishment of reserves with respect to the annual
18 appropriation bonds, the payment of costs of issuance
19 of the annual appropriation bonds, the payment of

20 other expenditures of the treasurer of state incident
21 to and necessary or convenient in connection with the
22 issuance of the annual appropriation bonds, and the
23 payment of all other expenditures necessary or
24 convenient to carry out the purposes for which the
25 annual appropriation bonds are issued. The treasurer
26 of state may enter into or obtain authorizing
27 documents and other agreements and ancillary
28 arrangements with respect to annual appropriation
29 bonds as the treasurer of state determines to be in
30 the best interests of the state, including but not
31 limited to trust indentures, liquidity facilities,
32 remarketing or dealer agreements, letter of credit
33 agreements, insurance policies, guaranty agreements,
34 reimbursement agreements, indexing agreements,
35 investment agreements, or interest exchange
36 agreements. Any authorizing document or other
37 agreement or ancillary arrangements by which any
38 moneys are pledged to the payment of annual
39 appropriation bonds shall not be required to be
40 recorded or filed under the uniform commercial code,
41 chapter 554, to be valid, binding, or effective.

42 5. Annual appropriation bonds shall be:

43 a. In a form, issued in denominations, executed in
44 a manner, and payable over terms and with rights of
45 redemption, and be subject to such other terms and
46 conditions as prescribed in their authorizing
47 documents.

48 b. Negotiable instruments under the laws of the
49 state and may be sold at prices, at public or private
50 sale, and in a manner, as prescribed by the treasurer

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1 of state. Chapters 73A, 74, 74A, and 75 do not apply
2 to the sale or issuance of the annual appropriation
3 bonds.

4 c. Subject to the terms, conditions, and covenants
5 providing for the payment of the principal, redemption
6 premiums, if any, interest, and other terms,
7 conditions, covenants, and protective provisions
8 safeguarding payment, not inconsistent with this
9 section and as determined by their authorizing
10 documents.

11 d. Securities in which public officers and bodies
12 of this state; political subdivisions of this state;
13 insurance companies and associations and other persons
14 carrying on an insurance business; banks, trust
15 companies, savings associations, savings and loan
16 associations, and investment companies;
17 administrators, guardians, executors, trustees, and
18 other fiduciaries; and other persons authorized to

19 invest in bonds or other obligations of the state, may
20 properly and legally invest funds, including capital,
21 in their control or belonging to them.

22 6. Proceeds of annual appropriation bonds not
23 required for immediate disbursement may be deposited
24 with the treasurer of state or a trustee, paying
25 agent, escrow agent, or depository as provided in the
26 authorizing documents and may be invested or
27 reinvested in any investment as directed by the
28 treasurer of state and specified in such authorizing
29 documents without regard to any limitation otherwise
30 provided by law.

31 7. Annual appropriation bonds are payable in any
32 fiscal year solely and only out of the moneys, assets,
33 or revenues appropriated for such purposes by law for
34 that fiscal year, all of which amounts, once
35 appropriated, shall be deposited into the annual
36 appropriation bonds debt service fund and used or
37 transferred as provided in this section to pay debt
38 service due with respect to annual appropriation bonds
39 during the fiscal year for which such amounts are
40 appropriated. Annual appropriation bonds are not an
41 obligation, indebtedness, or debt of the state, or a
42 charge against the general credit or general fund of
43 the state, and the state shall not be liable for the
44 payment of any amounts due under any annual
45 appropriation bonds except from moneys appropriated by
46 law for the payment thereof as provided under this
47 section. The annual appropriation bonds are not
48 secured by any pledge of the faith and credit or the
49 taxing powers of the state. Annual appropriation
50 bonds shall not directly or indirectly obligate the

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1 state to make payments thereon beyond any fiscal year
2 for which sufficient funds have been appropriated by
3 law for such purpose.

4 8. In the event that funds are not appropriated
5 for any fiscal year in an amount sufficient to make
6 the payments of principal and interest and any other
7 amounts due under the annual appropriation bonds
8 during such fiscal year all of the following shall
9 apply:

10 a. The state's obligations under the annual
11 appropriation bonds shall terminate and become null
12 and void on the last day of the fiscal year for which
13 funds were appropriated in an amount sufficient to
14 make the payments of principal and interest and any
15 other amounts due under the annual appropriation bonds
16 for such fiscal year.

17 b. The state shall not be obligated to make

18 payment from any source of any amounts due under the
19 annual appropriation bonds beyond those amounts for
20 which an appropriation has previously been made.

21 c. The state shall not be liable to the holders of
22 the annual appropriation bonds or any other person for
23 any remaining amounts due under the annual
24 appropriation bonds or for any costs, damages, or
25 expenses incurred by the holders of the annual
26 appropriation bonds or any other person as a result of
27 such failure to appropriate. Annual appropriation
28 bonds, the repayment thereof and any reserve and debt
29 service funds established with respect thereto shall
30 be subject to nonappropriation. Annual appropriation
31 bonds issued under this section shall contain a
32 conspicuous statement of the limitations established
33 in this subsection.

34 9. Annual appropriation bonds issued under this
35 section are declared to be issued for an essential
36 public and governmental purpose and all annual
37 appropriation bonds issued under this section shall be
38 exempt from taxation by the state of Iowa and the
39 interest on the annual appropriation bonds shall be
40 exempt from the state income tax and the state
41 inheritance tax.

42 10. In order to better provide for the budgeting
43 and appropriation of sufficient amounts to make the
44 payments due with respect to annual appropriation
45 bonds in any fiscal year and to fund or restore
46 reserve funds established with respect to annual
47 appropriation bonds, if any, the treasurer of state
48 shall, on or before January 1 of each calendar year,
49 make and deliver to the governor and to both houses of
50 the general assembly the treasurer of state's

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1 certificate that includes all of the following:

2 a. A statement of the amount required to make the
3 payments due with respect to annual appropriation
4 bonds in the next succeeding fiscal year and the
5 amount, if any, required to fund or restore any
6 reserve fund to the reserve fund requirement for that
7 reserve fund.

8 b. A request that budget and appropriation bills
9 approved for such fiscal year include amounts
10 sufficient to make the payments due with respect to
11 annual appropriation bonds during that fiscal year and
12 to fund or restore any reserve fund to the reserve
13 fund requirement for that reserve fund.

14 11. If, after amounts have been appropriated for a
15 fiscal year to make payment of principal and interest
16 and any other amounts due with respect to the annual

17 appropriation bonds for such fiscal year and to fund
18 or restore any reserve fund to the reserve fund
19 requirement for that reserve fund, the treasurer of
20 state determines that the amounts appropriated for
21 such purposes are insufficient for any reason, the
22 treasurer of state shall make and deliver to the
23 governor and to both houses of the general assembly
24 the treasurer of state's certificate that includes a
25 statement of the amount of the deficiency and a
26 request for an additional appropriation for such
27 fiscal year to make up such deficiency.

28 12. Any amounts appropriated by law from the
29 general fund of the state or any other legally
30 available funds to make the payments due with respect
31 to annual appropriation bonds for a fiscal year shall
32 be paid to the treasurer of state on or after the
33 first business day of such fiscal year in as many
34 installments as are needed to accumulate the total
35 amount so appropriated as soon as funds become legally
36 available and such amounts, as received, shall be
37 deposited by the treasurer of state in the annual
38 appropriation bonds debt service fund.

39 13. Any amounts appropriated by law to fund or
40 restore any reserve fund shall be paid to the
41 treasurer of state as soon as funds become legally
42 available and shall be deposited by the treasurer of
43 state in the applicable reserve fund. For any fiscal
44 year for which amounts have been lawfully appropriated
45 in an amount sufficient to make payment of principal
46 and interest and any other amounts due with respect to
47 annual appropriation bonds for such fiscal year, to
48 the extent that appropriated funds have not become
49 fully available so that amounts deposited into the
50 annual appropriation bonds debt service fund are not

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1 sufficient to make such payment when due, any moneys
2 on deposit in a reserve fund established with respect
3 to the annual appropriation bonds may be transferred
4 to the annual appropriation bonds debt service fund
5 and used to make such payments, subject to the
6 provisions of this section.

7 14. The treasurer of state may from time to time
8 issue annual appropriation bonds for the purpose of
9 refunding any annual appropriation bonds then
10 outstanding, including the payment of any redemption
11 premiums thereon and any interest accrued or to accrue
12 to the date of redemption of the outstanding annual
13 appropriation bonds. Until the proceeds of annual
14 appropriation bonds issued for the purpose of
15 refunding outstanding annual appropriation bonds are

16 applied to the purchase or retirement of outstanding
17 annual appropriation bonds or the redemption of
18 outstanding annual appropriation bonds, the proceeds
19 may be placed in escrow and be invested and reinvested
20 in accordance with the provisions of this section, the
21 authorizing documents, and any applicable escrow. The
22 interest, income, and profits earned or realized on an
23 investment may also be applied to the payment of the
24 outstanding annual appropriation bonds to be refunded
25 by purchase, retirement, or redemption. After the
26 terms of the escrow have been fully satisfied and
27 carried out, any balance of proceeds and interest
28 earned or realized on the investments shall be
29 returned to the general fund of the state. All
30 refunding annual appropriation bonds shall be issued
31 and subject to the provisions of this section in the
32 same manner and to the same extent as other annual
33 appropriation bonds issued pursuant to this section.
34 15. a. It is the intent of the general assembly
35 that the general assembly make timely appropriations
36 from moneys in the general fund of the state or any
37 other legally available funds that are sufficient to
38 make payment of principal and interest and any other
39 amounts due with respect to annual appropriation bonds
40 in a fiscal year and to fund or restore any reserve
41 fund established with respect to the annual
42 appropriation bonds to the reserve fund requirement
43 for that reserve fund.
44 b. This section does not create and shall not be
45 construed as creating a general, legal, or enforceable
46 obligation of the general assembly to appropriate any
47 moneys for any fiscal year for any of the foregoing
48 purposes and the decision to appropriate such moneys
49 for any fiscal year shall be at the complete
50 discretion of the then current general assembly and

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1 governor who shall have the final responsibility for
2 making such decisions.
3 16. Neither the treasurer of state nor any person
4 acting on behalf of the treasurer of state, while
5 acting within the scope of their employment or agency,
6 is subject to personal liability resulting from
7 carrying out the powers and duties conferred by this
8 section.
9 17. Amounts appropriated pursuant to this section
10 are not subject to a uniform reduction in accordance
11 with section 8.31.
12 Sec. 2. NEW SECTION. 12.90B ANNUAL APPROPRIATION
13 BONDS DEBT SERVICE FUND AND RESERVE FUNDS.
14 1. An annual appropriation bonds debt service fund

15 is created and established as a separate and distinct
16 fund in the state treasury. Any amounts lawfully
17 appropriated to make payments due with respect to
18 annual appropriation bonds for a fiscal year shall be
19 deposited into the annual appropriation bonds debt
20 service fund and used by the treasurer of state or
21 transferred to a trustee, paying agent, escrow agent,
22 or depository as provided in the authorizing documents
23 to make payments due with respect to the annual
24 appropriation bonds for that fiscal year. Payments
25 due with respect to annual appropriation bonds include
26 but are not limited to the following:

27 a. Principal payments, interest payments, sinking
28 fund payments, purchase price, redemption price,
29 redemption premiums, and payments under interest
30 exchange agreements.

31 b. Fees and expenses of trustees, paying agents,
32 remarketing agents, financial advisors, underwriters,
33 depositories, guarantors, bond insurers, liquidity or
34 credit facility providers, interest rate indexing
35 agents, and other professional and financial services
36 providers.

37 c. Costs and expenses of the treasurer of state
38 incident to and necessary and convenient to carry out
39 the issuance and sale of the annual appropriation
40 bonds and the administration of the appropriations
41 bonds capitals fund, the annual appropriation bonds
42 debt service fund, and any reserve funds.

43 2. The treasurer of state may create and establish
44 one or more reserve funds with respect to the annual
45 appropriation bonds to be used as provided in section
46 12.90A and the authorizing documents. The treasurer
47 of state shall pay into any reserve fund any moneys
48 appropriated by law to fund or restore the reserve
49 fund, any proceeds of the sale of the annual
50 appropriation bonds to the extent provided in the

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1 authorizing documents, and any other moneys which may
2 be legally available to the treasurer of state for the
3 purpose of the reserve fund. Moneys in any reserve
4 fund established with respect to annual appropriation
5 bonds, excluding the annual appropriations debt
6 service fund, are not subject to section 8.33.

7 3. Notwithstanding section 12C.7, subsection 2,
8 interest or earnings on moneys in any funds or
9 accounts established with respect to annual
10 appropriation bonds shall be credited to the
11 applicable fund or reserve fund.

12 Sec. 3. NEW SECTION. 12.90C APPROPRIATION BONDS
13 CAPITALS FUND.

14 1. An appropriation bonds capitals fund is created
15 as a separate fund in the state treasury. Moneys in
16 the fund shall not be subject to appropriation for any
17 other purpose by the general assembly, but shall be
18 used only for the purposes of the appropriation bonds
19 capitals fund.

20 2. Revenue for the appropriation bonds capitals
21 fund shall include but is not limited to the
22 following, which shall be deposited with the treasurer
23 of state or the treasurer of state's designee as
24 provided by any bond or security documents and
25 credited to the fund:

26 a. The net proceeds of bonds issued pursuant to
27 section 12.90A and investment earnings on the net
28 proceeds.

29 b. Interest attributable to investment of moneys
30 in the fund or an account of the fund.

31 c. Moneys in the form of a devise, gift, bequest,
32 donation, federal or other grant, reimbursement,
33 repayment, judgment, transfer, payment, or
34 appropriation from any source intended to be used for
35 the purposes of the fund.

36 3. Moneys in the fund in a fiscal year shall be
37 used as appropriated by the general assembly for
38 certain infrastructure projects and other purposes set
39 out in section 12.90A, subsection 3, to the extent
40 practicable in any fiscal year and without limiting
41 other qualifying capital expenditures considered and
42 approved by a constitutional majority of each house of
43 the general assembly and the governor.

44 4. Moneys credited to the fund are not subject to
45 section 8.33. Notwithstanding section 12C.7,
46 subsection 2, interest or earnings on moneys in the
47 fund shall be credited to the fund.

48 5. Annually, on or before January 15 of each year,
49 a state agency that received an appropriation from the
50 appropriation bonds capitals fund shall report to the

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1 legislative services agency and the department of
2 management the status of all projects completed or in
3 progress. The report shall include a description of
4 the project, the work completed, the total estimated
5 cost of the project, a list of all revenue sources
6 being used to fund the project, the amount of funds
7 expended, the amount of funds obligated, and the date
8 the project was completed or an estimated completion
9 date of the project, where applicable.

10 Sec. 4. APPLICABILITY. The authority of the
11 treasurer of state to issue one or more series of
12 annual appropriation bonds under section 12.90A,

13 subsection 3, as enacted in this division of this Act,
14 applies to bonds issued on or after July 1, 2010.
15 DIVISION II
16 MISCELLANEOUS CODE CHANGES
17 Sec. 5. NEW SECTION. 8.57D VERTICAL
18 INFRASTRUCTURE RESTRICTED CAPITALS FUND.
19 1. A vertical infrastructure restricted capitals
20 fund is created in the state treasury under the
21 authority of the department of management. The fund
22 shall consist of appropriations made to the fund. The
23 fund shall be separate from the general fund of the
24 state and the balance in the fund shall not be
25 considered part of the balance of the general fund of
26 the state. However, the fund shall be considered a
27 special account for the purposes of section 8.53,
28 relating to generally accepted accounting principles.
29 2. Notwithstanding section 12C.7, subsection 2,
30 interest or earnings on moneys in the vertical
31 infrastructure restricted capitals fund shall be
32 credited to the rebuild Iowa infrastructure fund.
33 3. Moneys in the fund in a fiscal year shall be
34 used as appropriated by the general assembly for
35 public vertical infrastructure projects. For the
36 purposes of this section, "vertical infrastructure"
37 includes only land acquisition and construction, major
38 renovation, and major repair of buildings, all
39 appurtenant structures, utilities, and site
40 development. "Vertical infrastructure" does not
41 include routine, recurring maintenance, debt service,
42 or operational expenses or leasing of a building,
43 appurtenant structure, or utility without a
44 lease-purchase agreement.
45 4. There is appropriated from the appropriation
46 bonds capitals fund created in section 12.90C to the
47 vertical infrastructure restricted capitals fund one
48 hundred million dollars for the fiscal year beginning
49 July 1, 2010, and ending June 30, 2011.
50 5. Annually, on or before January 15 of each year,

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1 a state agency that received an appropriation from the
2 vertical infrastructure restricted capitals fund shall
3 report to the legislative services agency and the
4 department of management the status of all projects
5 completed or in progress. The report shall include a
6 description of the project, the progress of work
7 completed, the total estimated cost of the project, a
8 list of all revenue sources being used to fund the
9 project, the amount of funds expended, the amount of
10 funds obligated, and the date the project was
11 completed or an estimated completion date of the

12 project, where applicable.
 13 6. Payment of moneys appropriated from the fund
 14 shall be made in a manner that does not adversely
 15 affect the tax-exempt status of any outstanding bonds
 16 issued by the treasurer of state.

17 DIVISION III

18 ANNUAL APPROPRIATION BONDS CAPITALS

19 FUND – APPROPRIATION.

20 Sec. 6. There is appropriated from the
 21 appropriation bonds capitals fund created in section
 22 12.90C to the Iowa energy center for the fiscal year
 23 beginning July 1, 2010, and ending June 30, 2011, the
 24 following amount, or so much thereof as is necessary,
 25 to be used for the purposes designated:

26 For deposit into the alternate energy revolving
 27 loan fund created in section 476.46 to encourage the
 28 development of alternate energy production facilities
 29 and small hydro facilities, as defined in section
 30 476.42, within the state:

31 \$ 5,000,000

32 Any award of loans to private individuals or
 33 organizations must be for the public purposes of
 34 encouraging the development of alternate energy
 35 production facilities and small hydro facilities
 36 within the state in order to conserve finite and
 37 expensive energy resources and to provide for their
 38 most efficient use. Funds from bond proceeds shall
 39 not be used for administration or planning purposes.
 40 These moneys, and any loan repayments, shall be
 41 maintained in separate accounts and shall only be used
 42 for these public purposes."

43 2. Title page, by striking lines 1 and 2 and
 44 inserting the following: "An Act authorizing the
 45 treasurer of state to issue annual appropriation
 46 bonds, and creating an annual appropriation bonds debt
 47 service fund, an appropriation bonds capitals fund, a
 48 vertical infrastructure restricted capitals fund,
 49 making appropriations, and including an applicability
 50 provision."

Amendment [H-1732](#) was adopted.

[SENATE FILE 477](#) SUBSTITUTED FOR [HOUSE FILE 828](#)

Cohon of Des Moines asked and received unanimous consent to substitute [Senate File 477](#) for [House File 828](#).

[Senate File 477](#), a bill for an act authorizing the treasurer of state to issue annual appropriation bonds, and creating an annual

appropriation bonds debt service fund, an appropriation bonds capitals fund, a vertical infrastructure restricted capitals fund, making appropriations, and including an applicability provision, was taken up for consideration.

Huseman of Cherokee offered the following amendment [H-1729](#) filed by him from the floor and moved its adoption:

[H-1729](#)

- 1 Amend [Senate File 477](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by inserting after line 6, the
- 4 following:
- 5 "6. Annually, on or before December 31 of each
- 6 year, a recipient of moneys from the appropriation
- 7 bonds capitals fund for any purpose shall report to
- 8 the state agency to which the moneys are appropriated
- 9 the status of all projects completed or in progress.
- 10 The report shall include a description of the project,
- 11 the progress of work completed, the total estimated
- 12 cost of the project, a list of all revenue sources
- 13 being used to fund the project, the amount of funds
- 14 expended, the amount of funds obligated, and the date
- 15 the project was completed or an estimated completion
- 16 date of the project, where applicable."
- 17 2. Page 12, by inserting after line 19 the
- 18 following:
- 19 "6. Annually, on or before December 31 of each
- 20 year, a recipient of moneys from the vertical
- 21 infrastructure restricted capitals fund for any
- 22 purpose shall report to the state agency to which the
- 23 moneys are appropriated the status of all projects
- 24 completed or in progress. The report shall include a
- 25 description of the project, the progress of work
- 26 completed, the total estimated cost of the project, a
- 27 list of all revenue sources being used to fund the
- 28 project, the amount of funds expended, the amount of
- 29 funds obligated, and the date the project was
- 30 completed or an estimated completion date of the
- 31 project, where applicable."
- 32 3. Page 12, line 20, by striking the figure "6."
- 33 and inserting the following: "7."
- 34 4. By renumbering as necessary.

Roll call was requested by Huseman of Cherokee and Raecker of Polk.

On the question "Shall amendment [H-1729](#) be adopted?" ([S.F. 477](#))

The ayes were, 96:

Alons	Anderson	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Abdul-Samad Presiding

The nays were, none.

Absent or not voting, 4:

Arnold	Chambers	De Boef	Kressig
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Amendment [H-1729](#) was adopted.

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. 477](#))

The ayes were, 52:

Bailey	Beard	Bell	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Isenhart	Jacoby
Kearns	Kelley	Kuhn	Lensing
Lykam	Marek	McCarthy	Mertz

Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Abdul-Samad, Presiding

The nays were, 44:

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

Absent or not voting and 4:

Arnold	Chambers	De Boef	Kressig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[HOUSE FILE 828](#) WITHDRAWN

Cohoon of Des Moines asked and received unanimous consent to withdraw [House File 828](#) from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 477](#) be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 12:45 p.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:18 p.m., Zirkelbach of Jones in the chair.

The House stood at ease at 2:19 p.m., until the fall of the gavel.

The House resumed session at 3:23 p.m., Zirkelbach of Jones in the chair.

The House stood at ease at 3:23 p.m., until the fall of the gavel.

The House resumed session at 4:03 p.m., Zirkelbach of Jones in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 25, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 826](#), a bill for an act relating to the comprehensive recycling planning task force.

Also: That the Senate has on April 25, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 471](#), a bill for an act relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund to fund tax credits for innovative renewable energy generation components, transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, providing transition provisions relating to the transfer of authority, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

Unfinished Business Calendar

[House File 820](#), a bill for an act appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, was taken up for consideration.

Wenthe of Fayette offered amendment [H-1718](#) filed by him as follows:

[H-1718](#)

1 Amend [House File 820](#) as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "DIVISION I
5 FEDERAL BLOCK GRANT AND OTHER
6 FEDERAL FUNDING -- FY 2009-2010"

7 2. Page 15, by striking lines 19 through 25.

8 3. Page 24, by inserting after line 18 the
9 following:

10 "DIVISION II
11 FEDERAL AMERICAN RECOVERY AND
12 REINVESTMENT ACT OF 2009 FUNDING
13 Sec.____. APPLICABILITY OF APPROPRIATIONS –
14 TRANSFERS – UNANTICIPATED FUNDS.

15 1. a. The appropriations of available federal
16 grants, receipts, and funds made to the departments
17 and agencies in division I of this Act and in 2008
18 Iowa Acts, chapter 1177, sections 17 through 57, do
19 not apply to the federal funding available through the
20 federal American Recovery and Reinvestment Act of 2009
21 for the fiscal years addressed by the federal Act or
22 to additional, unanticipated funding from federal law
23 enacted after the effective date of this division of
24 this Act.

25 b. However, if it is determined by the department
26 of management, with the written consent of the
27 governor, that federal grants, receipts, and funds
28 available through the federal American Recovery and
29 Reinvestment Act of 2009 are needed and are available
30 without any match requirement and have not been
31 appropriated in this division of this Act or are
32 provided through federal match of state or local funds
33 that have been appropriated, the appropriations
34 described in paragraph "a" shall apply.

35 2. The department of management, with the written
36 consent and approval of the governor, may exercise the
37 transfer authority authorized in section 8.39, to
38 transfer any of the appropriations made in this
39 division of this Act to appropriations made from the
40 general fund of the state for the fiscal year
41 beginning July 1, 2008, or the fiscal year beginning
42 July 1, 2009, provided the transfer is made within the
43 same fiscal year for which the appropriation is made
44 in this division of this Act. Any such transfer is
45 subject to the notice provisions of section 8.39,
46 subsection 3.

47 Sec.____. FEDERAL RECOVERY AND REINVESTMENT FUND
48 APPROPRIATION FOR SCHOOLS – FY 2008-2009.

49 1. There is appropriated from the federal recovery
50 and reinvestment fund created in section 8.41A, as

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1 enacted in this division of this Act, to the
 2 department of management for the fiscal year beginning
 3 July 1, 2008, and ending June 30, 2009, the following
 4 amounts, or so much thereof as is necessary, to be
 5 used for the purposes designated:
 6 From funding designated for education
 7 stabilization, to be used for state foundation aid to
 8 school districts in accordance with section 257.16,
 9 subsection 1:
 10 \$ 40,000,000

11 2. The appropriation made in subsection 1 is in
 12 lieu of an equal amount of the appropriation from the
 13 general fund of the state in section 257.16,
 14 subsection 1, for the fiscal year beginning July 1,
 15 2008, and ending June 30, 2009, after applying the
 16 reduction made pursuant to executive order number 10
 17 issued December 22, 2008, and shall be used to pay
 18 that part of state foundation aid which represents the
 19 allowable growth amounts for all school districts
 20 under section 257.8, subsection 1.

21 3. For purposes of distributing the appropriation
 22 made in subsection 1 to school districts, the
 23 distribution amount shall be calculated as part of the
 24 May 2009 payment to each school district in the same
 25 ratio that the weighted enrollment, determined in
 26 accordance with section 257.6, subsection 5, of the
 27 school district for the budget year beginning July 1,
 28 2008, bears to the total weighted enrollment of all
 29 school districts in the state for that budget year.
 30 However, if the federal funding is not received in
 31 time to be included in the May 2009 payment, the
 32 distribution amount shall instead be included in the
 33 earliest possible payment to each school district,
 34 calculated as provided in this subsection.

35 Sec. ____ STATE FOUNDATION AID FOR SCHOOLS – FY
 36 2009-2010. Notwithstanding the standing appropriation
 37 in section 257.16, subsection 1, for state foundation
 38 aid for the fiscal year beginning July 1, 2009, and
 39 ending June 30, 2010, the amount appropriated from the
 40 general fund of the state pursuant to that section for
 41 the following designated purpose shall not exceed the
 42 following amount:
 43 For state foundation aid under section 257.16,
 44 subsection 1:
 45 \$2,587,500,000

46 1. Of the amount designated in this section for
 47 state foundation aid, \$309,001,736 is allocated for
 48 the teacher salary supplements, the professional
 49 development supplements, and the early intervention
 50 supplement in accordance with section 257.10,

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1 subsections 9 through 11, and section 257.37A.
 2 2. If the remaining balance of the moneys
 3 designated in this section, after the allocation made
 4 in subsection 1, is less than the amount required to
 5 pay the remainder of state foundation aid pursuant to
 6 section 257.16, subsection 1, the difference shall be
 7 deducted from the payments to each school district and
 8 area education agency in the manner provided in
 9 section 257.16, subsection 4. The reduction for area
 10 education agencies shall be added to the reduction
 11 made pursuant to section 257.35, subsection 5, as
 12 amended by this division of this Act.

13 Sec. ____ FEDERAL RECOVERY AND REINVESTMENT FUND

14 APPROPRIATIONS – FY 2009-2010. There is appropriated
 15 from the federal recovery and reinvestment fund
 16 created in section 8.41A, as enacted in this division
 17 of this Act, to the department of management for the
 18 fiscal year beginning July 1, 2009, and ending June
 19 30, 2010, the following amounts, or so much thereof as
 20 is necessary, to be used for the purposes designated:

21 1. From funding designated for education
 22 stabilization:
 23 a. For state foundation aid to schools, to be used
 24 as provided in this lettered paragraph for state
 25 foundation aid to schools in accordance with section
 26 257.16, subsection 1:
 27 \$202,546,705

28 (1) The appropriation made in this lettered
 29 paragraph is in lieu of an equal amount of the
 30 appropriation made from the general fund of the state
 31 for the fiscal year beginning July 1, 2009, and ending
 32 June 30, 2010, pursuant to section 257.16, as limited
 33 by this division of this Act, and shall be used to pay
 34 that part of state foundation aid which represents the
 35 allowable growth amounts for all school districts
 36 under section 257.8, subsection 1.

37 (2) For purposes of distributing the appropriation
 38 made in this lettered paragraph to school districts,
 39 the distribution amount shall be calculated equally in
 40 the monthly payment to each school district in the
 41 same ratio that the weighted enrollment, determined in
 42 accordance with section 257.6, subsection 5, of the
 43 school district for the budget year beginning July 1,
 44 2009, bears to the total weighted enrollment of all
 45 school districts in the state for that budget year.

46 b. For the institutions under the control of the
 47 state board of regents:
 48 \$ 80,280,000

49 The state board of regents shall report to the
 50 department of management and the legislative services

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1 agency on or before July 1, 2009, as to the
 2 distribution of the amount appropriated in this
 3 lettered paragraph among the five institutions.
 4 c. For general state financial aid to merged areas
 5 as defined in section 260C.2 in accordance with
 6 chapters 258 and 260C to supplement the appropriation
 7 made for this purpose in 2009 Iowa Acts, Senate File
 8 470, if enacted:
 9 \$ 23,100,00

10 The amount appropriated in this lettered paragraph
 11 shall be allocated to merged areas in proportion to
 12 each merged area's share of general state financial
 13 aid appropriated in 2009 Iowa Acts, [Senate File 470](#),
 14 if enacted.

- 15 2. From funding designated for government
- 16 stabilization, for administration and regulation:
- 17 a. For the department of administrative services:
 18 \$ 100,000
- 19 b. For the office of the governor and lieutenant
 20 governor:
 21 \$ 100,000
- 22 c. For the department of management:
 23 \$ 100,000
- 24 d. For the legislative services agency:
 25 \$ 100,000

26 3. From funding designated for government
 27 stabilization, for general state financial aid to
 28 merged areas as defined in section 260C.2 in
 29 accordance with chapters 258 and 260C to supplement
 30 the appropriation made for this purpose in 2009 Iowa
 31 Acts, [Senate File 470](#), if enacted:
 32 \$ 2,500,000

33 The amount appropriated in this subsection shall be
 34 allocated to merged areas in proportion to each merged
 35 area's share of general state financial aid
 36 appropriated in 2009 Iowa Acts, [Senate File 470](#), if
 37 enacted.

- 38 4. From funding designated for government
- 39 stabilization, for the department of corrections:
- 40 a. For the operation of the Fort Madison
 41 correctional facility:
 42 \$ 3,206,000
- 43 b. For the operation of the Anamosa correctional
 44 facility:
 45 \$ 119,000
- 46 c. For the operation of the Oakdale correctional
 47 facility:
 48 \$ 504,000
- 49 d. For the operation of the Newton correctional
 50 facility:

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1	\$ 301,000
2	e. For the operation of the Mt. Pleasant	
3	correctional facility:	
4	\$ 189,000
5	f. For the operation of the Rockwell City	
6	correctional facility:	
7	.....	\$ 63,000
8	g. For the operation of the Clarinda correctional	
9	facility:	
10	.....	\$ 1,862,000
11	h. For the operation of the Mitchellville	
12	correctional facility:	
13	.....	\$ 266,000
14	i. For the operation of the Fort Dodge	
15	correctional facility:	
16	.....	\$ 280,000
17	j. For general administration of the department:	
18	.....	\$ 210,000
19	5. From funding designated for government	
20	stabilization, for the department of human services:	
21	a. For the medical assistance program:	
22	.....	\$ 6,237,173
23	Of the funds appropriated in this lettered	
24	paragraph, \$6,000,000 is allocated for rebasing of	
25	nursing facility reimbursement and \$237,173 for	
26	interpreter services associated with 2009 Iowa Acts,	
27	Senate File 389 , if enacted.	
28	b. For coverage of children under the medical	
29	assistance and hawk-i programs and for additional	
30	coverage provisions for children under 2009 Iowa Acts,	
31	Senate File 389 , if enacted:	
32	.....	\$ 6,263,231
33	Of the funds appropriated in this lettered	
34	paragraph, \$510,249 is allocated for supplemental	
35	dental services under the hawk-i program.	
36	c. For transfer to the department of public health	
37	to be used for 0.25 full-time equivalent position and	
38	other costs associated with the volunteer health care	
39	provider program:	
40	.....	\$ 20,000
41	d. For the property tax relief fund in lieu of an	
42	equal amount of the appropriation made from the	
43	general fund of the state in section 426B.1,	
44	subsection 2:	
45	.....	\$ 10,480,000
46	Notwithstanding section 426B.1, subsection 2, for	
47	the fiscal year beginning July 1, 2009, the amount of	
48	the appropriation made from the general fund of the	
49	state in section 426B.1, subsection 2, shall be	
50	reduced by \$2,964,543 and the appropriation made from	

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1 the property tax relief fund and for the fiscal year
2 to supplement the medical assistance program in
3 section 426B.1, subsection 3, shall be reduced by the
4 same amount.

5 e. For the risk pool created in the property tax
6 relief fund in accordance with section 426B.5:
7 \$ 10,000,000

8 f. For a demonstration project providing health
9 care coverage premium assistance for direct care
10 workers to implement recommendations developed
11 pursuant to 2008 Iowa Acts, chapter 1188, section 72:
12 \$ 400,000

13 g. For the department's field operations, if 2009
14 Iowa Acts, [Senate File 389](#), is enacted:
15 \$ 605,596

16 The funds appropriated in this lettered paragraph
17 shall be used for 17.00 additional full-time
18 equivalent positions for implementation costs
19 associated with 2009 Iowa Acts, [Senate File 389](#), if
20 enacted.

21 6. From funding designated for government
22 stabilization, for the state department of
23 transportation:
24 \$ 5,550,000

25 The department shall allocate the amount
26 appropriated in this subsection as follows: 50
27 percent shall be allocated to the street construction
28 fund of the cities and 50 percent shall be allocated
29 to the secondary road fund of the counties, to be used
30 for construction, reconstruction, repair, and
31 maintenance of city roads or secondary roads. The
32 moneys allocated from the funds shall be expended
33 within two years. Any allocated moneys not expended
34 within two years shall be reallocated by the state
35 transportation commission to other projects. The
36 department shall, in cooperation with the cities and
37 counties, provide a report to the legislative services
38 agency regarding the projects funded by this
39 appropriation by January 15 each year until the
40 projects are completed.

41 Sec. _____. DEPARTMENT OF HUMAN SERVICES TRANSFERS
42 – FY 2008-2009. There is transferred to the human
43 services reinvestment fund created in this division of
44 this Act, from the following appropriations made for
45 the purposes indicated from the general fund of the
46 state to the department of human services for the
47 fiscal year beginning July 1, 2008, and ending June
48 30, 2009, the following amounts:

49 1. For child support recovery, in 2008 Iowa Acts,
50 chapter 1187, section 8:

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1	\$ 3,465,000
2	2. For child and family services, in 2008 Iowa	
3	Acts, chapter 1187, section 16:	
4	.....	\$ 1,128,221
5	3. For adoption subsidy, in 2008 Iowa Acts,	
6	chapter 1187, section 17:	
7	.....	\$ 1,151,849
8	4. For the state resource center at Glenwood, in	
9	2008 Iowa Acts, chapter 1187, section 22, subsection	
10	1, paragraph "a":	
11	.....	\$ 2,301,276
12	5. For the state resource center at Woodward, in	
13	2008 Iowa Acts, chapter 1187, section 22, subsection	
14	1, paragraph "b":	
15	.....	\$ 1,347,221
16	Sec.____. DEPARTMENT OF HUMAN SERVICES TRANSFERS	
17	-- FY 2009-2010. There is transferred to the human	
18	services reinvestment fund created in this division of	
19	this Act, from the following appropriations made for	
20	the purposes indicated from the general fund of the	
21	state in 2009 Iowa Acts, House File 811 , if enacted,	
22	to the department of human services for the fiscal	
23	year beginning July 1, 2009, and ending June 30, 2010,	
24	the following amounts:	
25	1. For child support recovery:	
26	.....	\$ 2,937,999
27	2. For child and family services:	
28	.....	\$ 1,387,581
29	For fiscal year 2009-2010 the statewide expenditure	
30	target under section 232.143 for group foster care	
31	maintenance and services shall be \$32,812,819 in lieu	
32	of the target amount specified in the appropriation	
33	from which this transfer is made.	
34	3. For the state resource center at Glenwood:	
35	.....	\$ 2,544,675
36	4. For the state resource center at Woodward:	
37	.....	\$ 642,029
38	Sec.____. HUMAN SERVICES REINVESTMENT FUND.	
39	1. The human services reinvestment fund is created	
40	in the office of the treasurer of state under the	
41	authority of the department of human services.	
42	2. There is appropriated from the human services	
43	reinvestment fund to the department of human services	
44	for the fiscal year beginning July 1, 2009, and ending	
45	June 30, 2010, the following amounts to be used for	
46	the following designated purposes:	
47	a. For the Iowa juvenile home at Toledo:	
48	\$ 836,515
49	b. For the state training school at Eldora:	
50	\$ 1,327,300

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1 c. For the state mental health institute at
2 Cherokee:
3 \$ 673,290
4 d. For the state mental health institute at
5 Clarinda:
6 \$ 804,260
7 e. For the state mental health institute at
8 Independence:
9 \$ 1,177,790
10 f. For the state mental health institute at Mt.
11 Pleasant:
12 \$ 222,694
13 g. For distribution to counties for state case
14 services for persons with mental illness, mental
15 retardation, and developmental disabilities:
16 \$ 325,430
17 h. For costs associated with the commitment and
18 treatment of sexually violent predators in the unit
19 located at the state mental health institute at
20 Cherokee:
21 \$ 503,554
22 i. For the department's field operations:
23 \$ 8,386,761
24 j. For the department's general administration:
25 \$ 1,500,000
26 3. There is appropriated from the human services
27 reinvestment fund for the fiscal year beginning July
28 1, 2009, and ending June 30, 2010, the following
29 amount to be used for the following designated
30 purpose:
31 For the legislative services agency to be used for
32 costs associated with the legislative health care
33 coverage commission created in 2009 Iowa Acts, Senate
34 File 389, if enacted, or a similar legislative
35 commission:
36 \$ 315,000
37 Notwithstanding section 8.33, moneys appropriated
38 in this subsection that remain unencumbered or
39 unobligated at the close of the fiscal year shall not
40 revert but shall remain available for expenditure for
41 the purposes designated until the close of the fiscal
42 year that begins July 1, 2010.
43 4. Any unexpended or unobligated moneys remaining
44 in the human services reinvestment fund at the close
45 of the fiscal year beginning July 1, 2009, or
46 succeeding fiscal years shall be credited to the
47 general fund of the state.
48 Sec. _____. COMMUNITY DEVELOPMENT BLOCK GRANT -
49 HOUSING AND RECOVERY ACT.
50 1. There is appropriated from the fund created by

1 section 8.41 to the department of economic development
 2 for the federal fiscal year beginning October 1, 2007,
 3 and ending September 30, 2008, the following amount:
 4 \$ 21,607,17

5 2. The funds appropriated in this section are
 6 community development block grant funds awarded to the
 7 state under the federal Housing and Economic Recovery
 8 Act of 2008, Pub. L. No. 110-289.

9 3. The department of economic development shall
 10 expend the funds appropriated in this section for
 11 emergency assistance for redevelopment of abandoned
 12 and foreclosed homes and residential properties,
 13 commonly referred to as the neighborhood stabilization
 14 program, as provided in the federal law and in
 15 conformance with chapter 17A. An amount not to exceed
 16 4 percent of the funds appropriated in this section
 17 shall be used by the department for administrative
 18 expenses. From the funds set aside for administrative
 19 expenses, the department shall pay to the auditor of
 20 state an amount sufficient to pay the cost of auditing
 21 the use and administration of the state's portion of
 22 the funds appropriated in this section.

23 4. This section is retroactively applicable to
 24 October 1, 2007.

25 Sec.____. COMMUNITY DEVELOPMENT BLOCK GRANT –
 26 DISASTER RELIEF.

27 1. There is appropriated from the fund created by
 28 section 8.41 to the department of economic development
 29 for the federal fiscal year beginning October 1, 2007,
 30 and ending September 30, 2008, the following amount:
 31 \$125,297,142

32 2. The funds appropriated in this section are
 33 federal community development block grant funds
 34 awarded to the state under the federal Consolidated
 35 Security, Disaster Assistance, and Continuing
 36 Appropriations Act, 2009, Pub. L. No. 110-329.

37 3. The department of economic development shall
 38 expend the funds appropriated in this section for
 39 disaster relief, long-term recovery, and restoration
 40 of infrastructure as provided in the federal law
 41 making the funds available and in conformance with
 42 chapter 17A. An amount not to exceed 3 percent of the
 43 funds appropriated in this section shall be used by
 44 the department for administrative expenses. From the
 45 funds set aside for administrative expenses, the
 46 department shall pay to the auditor of state an amount
 47 sufficient to pay the cost of auditing the use and
 48 administration of the state's portion of the funds
 49 appropriated in this section.

50 4. If the actual federal funding received is less

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1 than or greater than the amount appropriated in this
2 section, the procedures specified in 2007 Iowa Acts,
3 chapter 204, section 16 or 17, are applicable.

4 5. This section is retroactively applicable to
5 October 1, 2007.

6 Sec.____. NEW SECTION. 8.41A FEDERAL RECOVERY
7 AND REINVESTMENT FUND.

8 1. A federal recovery and reinvestment fund is
9 created in the state treasury under the control of the
10 department of management consisting of moneys received
11 from the federal government for state and local
12 government fiscal relief under the federal American
13 Recovery and Reinvestment Act of 2009, Pub. L. No.
14 111-5, and other moneys received for state and local
15 government fiscal relief under any other federal
16 legislation. Notwithstanding section 12C.7, interest
17 or earnings on moneys in the fund shall be credited to
18 the fund. Notwithstanding section 8.33, moneys
19 credited to the fund that remain unexpended or
20 unobligated at the end of a fiscal year shall not
21 revert to any other fund.

22 2. Moneys appropriated from the fund shall be
23 expended as provided in the federal law making the
24 moneys available and in conformance with chapter 17A.

25 3. The recipient of an appropriation made from the
26 fund shall account for the appropriation in a manner
27 agreed to by the department of management and the
28 legislative services agency.

29 4. The governor shall create an Iowa
30 accountability and transparency board to monitor the
31 state's use of federal American Recovery and
32 Reinvestment Act of 2009 funding in order to prevent
33 fraud, waste, and abuse, and to make recommendations
34 to the governor and general assembly to assure best
35 practices are implemented for the use of the funding.

36 Sec.____. Section 257.35, subsection 5, Code 2009,
37 is amended to read as follows:

38 5. Notwithstanding subsection 1, and in addition
39 to the reduction applicable pursuant to subsection 2,
40 the state aid for area education agencies and the
41 portion of the combined district cost calculated for
42 these agencies for the each fiscal year of the fiscal
43 period beginning July 1, 2008, and ending June 30,
44 2010, shall be reduced by the department of management
45 by two million five hundred thousand dollars. The
46 reduction for each area education agency for each
47 fiscal year of the fiscal period beginning July 1,
48 2008, and ending June 30, 2010, shall be prorated
49 based on the reduction that the agency received in the
50 fiscal year beginning July 1, 2003.

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1 Sec.____. Section 298.10, Code 2009, is amended to
2 read as follows:

3 298.10 LEVY FOR CASH RESERVE.

4 1. The board of directors of a school district may
5 certify for levy by April 15 of a school year, a tax
6 on all taxable property in the school district in
7 order to raise an amount for a necessary cash reserve
8 for a school district's general fund. The amount
9 raised for a necessary cash reserve does not increase
10 a school district's authorized expenditures as defined
11 in section 257.7.

12 2. For fiscal years beginning on or after July 1,
13 2012, the cash reserve levy for a budget year shall
14 not exceed sixteen and seven-tenths percent of the
15 general fund expenditures for the year previous to the
16 base year minus the general fund unexpended fund
17 balance for the year previous to the base year.

18 Sec.____. 2009 Iowa Acts, [House File 414](#), section
19 45, subsection 2, is amended to read as follows:

20 2. The section of this division of this Act
21 appropriating federal community development block
22 grant funds is retroactively applicable to ~~June 30,~~
23 ~~2008~~ October 1, 2007.

24 Sec.____. LEGISLATIVE INTENT – SCHOOL DISTRICT
25 CASH RESERVES. It is the intent of the general
26 assembly that school districts begin the process of
27 maintaining a general fund unexpended fund balance
28 that does not exceed the target percentage established
29 in section 298.10, subsection 2, as enacted by this
30 division of this Act. A school district with a
31 general fund unexpended fund balance in excess of the
32 statutory target percentage should reduce the
33 unexpended balance to be within the target percentage
34 by the close of the fiscal year beginning July 1,
35 2011. If there is a shortfall in state foundation aid
36 to school districts during the period beginning on the
37 effective date of this section and ending June 30,
38 2012, in lieu of implementing staff reductions, a
39 school district should first utilize unexpended or
40 unobligated cash balances to adjust for the shortfall.

41 Sec.____. EFFECTIVE DATE – RETROACTIVE
42 APPLICABILITY.

43 1. Except as provided in subsection 2, this
44 division of this Act, being deemed of immediate
45 importance, takes effect upon enactment.

46 2. The section of this division of this Act
47 amending section 257.35 is retroactively applicable to
48 July 1, 2008."

49 4. Title page, line 1, by inserting after the
50 word "Act" the following: "relating to state and

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1 local financial matters by revising certain
 2 appropriations and".
 3 5. Title page, line 6, by inserting after the
 4 word "anticipated" the following: ", and including
 5 effective and retroactive applicability date
 6 provisions".

Rants of Woodbury offered the following amendment [H-1727](#), to amendment [H-1718](#), filed by him and moved its adoption:

[H-1727](#)

1 Amend the amendment, [H-1718](#), to [House File 820](#), as
 2 follows:
 3 1. Page 2, line 45, by striking the figure
 4 "2,587,500,000" and inserting the following:
 5 "2,620,500,000".
 6 2. Page 3, line 27, by striking the figure
 7 "202,546,705" and inserting the following:
 8 "235,546,705".

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

On the question "Shall amendment [H-1727](#) to amendment [H-1718](#) be adopted?" ([H.F. 820](#))

The ayes were, 44:

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

The nays were, 54:

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

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

Absent or not voting, 2:

Chambers De Boef

Amendment [H-1727](#) lost.

Wenthe of Fayette offered the following amendment [H-1755](#), to amendment [H-1718](#), filed by him from the floor and moved its adoption:

[H-1755](#)

1 Amend the amendment, [H-1718](#), to [House File 820](#), as
 2 follows:
 3 1. Page 3, line 46, by inserting after the word
 4 "For" the following: "distribution by the department
 5 of management to".
 6 2. Page 3, by striking lines 49 and 50 and
 7 inserting the following:
 8 "The department of management shall report to the
 9 legislative services".

Amendment [H-1755](#) was adopted.

Petersen of Polk asked and received unanimous consent to withdraw amendment [H-1724](#), to amendment [H-1718](#), filed by her on April 24, 2009.

Petersen of Polk offered the following amendment [H-1759](#), to amendment [H-1718](#), filed by her from the floor and moved its adoption:

[H-1759](#)

1 Amend the amendment, [H-1718](#), to [House File 820](#), as
 2 follows:
 3 1. Page 6, by inserting after line 40 the

4 following:

5 "Sec. _____. AMERICAN RECOVERY AND REINVESTMENT ACT
6 OF 2009 – ALLOCATION FOR INFANT AND TODDLER CARE
7 QUALITY.

8 1. Of the moneys appropriated from the additional
9 funding allocated under the federal American Recovery
10 and Reinvestment Act of 2009 for the federal child
11 care and development block grant to the department of
12 human services for the fiscal year beginning July 1,
13 2009, and ending June 30, 2010, that are federally
14 designated for activities that improve the quality of
15 infant and toddler care, \$2,365,556 is transferred to
16 the early childhood programs grant account in the Iowa
17 empowerment fund and shall be used in accordance with
18 this section for a program through community
19 empowerment areas for supporting low-income families
20 in securing high-quality child care.

21 2. The funds transferred pursuant to this section
22 shall be distributed as grants to community
23 empowerment areas by applying the formula for the
24 early childhood program grant account in section 28.9,
25 subsection 4, paragraph "b". Notwithstanding section
26 8.33, the funds shall be available for expenditure by
27 community empowerment areas in accordance with this
28 section for the fiscal year beginning July 1, 2009,
29 and the succeeding fiscal year.

30 3. For the purposes of this subsection, "federal
31 poverty level" means the poverty level defined by the
32 most recently revised poverty income guidelines
33 published by the United States department of health
34 and human services. The program shall provide
35 financial assistance to families with infants and
36 toddlers less than age two that have a family income
37 of more than 145 percent but not more than 185 percent
38 of the federal poverty level. However, the department
39 may adjust the qualifying criteria or the financial
40 assistance purpose provisions specified in this
41 subsection or make other changes as necessary for
42 implementation to conform with federal requirements
43 for the funding. Outcome reporting and other grant
44 requirements shall be developed by the department in
45 cooperation with the Iowa empowerment board.

46 4. The financial assistance shall be for any of
47 the following purposes:
48 a. For making temporary payments to qualifying
49 families whose members are recently unemployed and
50 seeking work to use in meeting immediate family needs.

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1 b. For providing sliding scale subsidies for
2 qualifying families for child care provided to the

3 families' infants and toddlers by providers who are
 4 accredited by the national association for the
 5 education of young children or the national
 6 association for family child care, or who have a
 7 rating at level 3 or higher under the child care
 8 quality rating system implemented pursuant to section
 9 237A.30."
 10 2. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Heaton of Henry.

On the question "Shall amendment [H-1759](#) to amendment [H-1718](#) be adopted?" ([H.F. 820](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach, Presiding

The nays were, none.

Absent or not voting, 4:

Chambers	De Boef	Murphy, Spkr.	Van Engelenhoven
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Amendment [H-1759](#) was adopted.

Wenthe of Fayette offered the following amendment [H-1751](#) to amendment [H-1718](#) filed by him from the floor and moved its adoption:

[H-1751](#)

- 1 Amend the amendment, [H-1718](#), to [House File 820](#), as
- 2 follows:
- 3 1. Page 11, line 14, by striking the words
- 4 "~~sixteen and seven-tenths~~" and inserting the
- 5 following: "twenty".
- 6 2. Page 11, by striking lines 24 through 40.
- 7 3. By renumbering as necessary.

Amendment [H-1751](#) was adopted.

Heddens of Story offered the following amendment [H-1752](#) to amendment [H-1718](#) filed by her from the floor and moved its adoption:

[H-1752](#)

- 1 Amend the amendment, [H-1718](#), to [House File 820](#), as
- 2 follows:
- 3 1. Page 11, by inserting after line 23 the
- 4 following:
- 5 "Sec. _____. 2009 Iowa Acts, [House File 811](#), section
- 6 32, subsection 1, paragraph a, subparagraph (1), if
- 7 enacted, is amended to read as follows:
- 8 (1) For the fiscal year beginning July 1, 2009,
- 9 the total state funding amount for the nursing
- 10 facility budget shall not exceed ~~\$146,803,575~~
- 11 \$152,803,575."
- 12 2. By renumbering as necessary.

Amendment [H-1752](#) was adopted.

Wenthe of Fayette offered the following amendment [H-1765](#) to amendment [H-1718](#) filed by him from the floor and moved its adoption:

[H-1765](#)

- 1 Amend the amendment, [H-1718](#), to [House File 820](#), as
- 2 follows:
- 3 1. Page 6, by striking lines 25 through 40 and
- 4 inserting the following:

5 "Fifty percent of the amount appropriated in this
 6 subsection shall be deposited into the street
 7 construction fund of the cities and fifty percent
 8 shall be deposited into the secondary road fund of the
 9 counties, to be used for construction, reconstruction,
 10 repair, and maintenance of city roads or secondary
 11 roads. The moneys allocated to such funds shall be
 12 expended within two years. The department shall, in
 13 cooperation with the cities and counties, provide a
 14 report to the legislative services agency regarding
 15 the projects funded by this appropriation by January
 16 15 each year until the projects are completed."
 17 2. By renumbering as necessary.

Amendment [H-1765](#) was adopted.

Wenthe of Fayette moved the adoption of amendment [H-1718](#), as amended.

Amendment [H-1718](#), as amended was adopted.

Wenthe of Fayette 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. 820](#))

The ayes were, 56:

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

The nays were, 42:

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

Absent or not voting, 2:

Chambers	De Boef
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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.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 820](#) be immediately messaged to the Senate.

The House stood at ease at 4:40 p.m., until the fall of the gavel.

The House resumed session at 10:04 a.m., Speaker Murphy in the chair.

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, 2009, amended and passed the following bill in which the concurrence of the House is asked:

[House File 822](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Cohoon of Des Moines called up for consideration [House File 822](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project delivery pilot program, providing for related matters, and providing effective and retroactive applicability date provisions, amended by the Senate amendment [H-1774](#) as follows:

[H-1774](#)

- 1 Amend [House File 822](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 21 the
- 4 following:
- 5 "j. For the state's share of support in
- 6 conjunction with the city of Des Moines and local area
- 7 businesses to provide a free shuttle service to the
- 8 citizens of Iowa that includes transportation between
- 9 the capitol complex and the downtown Des Moines area,
- 10 notwithstanding section 8.57, subsection 6, paragraph
- 11 "c":
- 12 \$ 200,000
- 13 Details for the shuttle service, including the
- 14 route to be served, shall be determined pursuant to an
- 15 agreement to be entered into by the department with
- 16 the Des Moines area regional transit authority (DART)
- 17 and any other participating entities.
- 18 Of the amount appropriated in this lettered
- 19 paragraph, up to \$50,000 shall be used to encourage
- 20 state employees to utilize transit services provided
- 21 by the Des Moines area regional transit authority."
- 22 2. Page 8, by inserting after line 10, the
- 23 following:
- 24 "Of the amount appropriated in this lettered
- 25 paragraph, \$1,000,000 shall be allocated for the
- 26 replacement of a railroad bridge over the Cedar river
- 27 in a city with a population between sixty-eight
- 28 thousand five hundred and sixty-nine thousand."
- 29 3. Page 8, by striking lines 17 through 34 and
- 30 inserting the following:
- 31 "f. To assist local governments to rebuild and
- 32 repair local roads, notwithstanding section 8.57,
- 33 subsection 6, paragraph "c":
- 34 \$ 14,750,000
- 35 Fifty percent of the amount appropriated in this

36 lettered paragraph shall be deposited into the street
 37 construction fund of the cities and fifty percent
 38 shall be deposited into the secondary road fund of the
 39 counties, to be used for construction, reconstruction,
 40 repair, and maintenance of city roads or secondary
 41 roads. The moneys allocated to such funds shall be
 42 expended within two years. The department shall, in
 43 cooperation with the cities and counties, provide a
 44 report to the legislative services agency regarding
 45 the projects funded by this appropriation by January
 46 15 each year until the projects are completed."
 47 4. By striking page 10, line 31, through page 11,
 48 line 14, and inserting the following:
 49 "b. To assist local governments to rebuild and
 50 repair local roads, notwithstanding section 8.57,

Page 2

1 subsection 6, paragraph "c":
 2 \$ 24,700,000
 3 Fifty percent of the amount appropriated in this
 4 lettered paragraph shall be deposited into the street
 5 construction fund of the cities and fifty percent
 6 shall be deposited into the secondary road fund of the
 7 counties, to be used for construction, reconstruction,
 8 repair, and maintenance of city roads or secondary
 9 roads. The moneys allocated to such funds shall be
 10 expended within two years. The department shall, in
 11 cooperation with the cities and counties, provide a
 12 report to the legislative services agency regarding
 13 the projects funded by this appropriation by January
 14 15 each year until the projects are completed."
 15 5. Page 12, line 2, by striking the word
 16 "Notwithstanding" and inserting the following: "Sec.
 17 _____. Notwithstanding".
 18 6. Page 29, by inserting after line 29 the
 19 following:
 20 "Sec.____. 2009 Iowa Acts, [Senate File 376](#),
 21 section 13, subsection 5, if enacted, is amended by
 22 striking the subsection and replacing in lieu thereof,
 23 the following:
 24 "5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
 25 COMMISSION
 26 For broadband technology grants for the deployment
 27 and sustainability of high-speed broadband access:
 28 \$ 25,000,000
 29 a. It is the intent of the general assembly that
 30 funds appropriated under this subsection for the
 31 deployment and sustainability of high-speed broadband
 32 access be used to access any federal funds made
 33 available. State and federal funds made available for
 34 broadband deployment shall be used to promote

35 universal access to high-speed broadband services or
36 used by private providers to promote telehealth
37 according to federal requirements throughout the state
38 for the benefit of Iowans and for the sustainability
39 of such services.

40 b. (1) The utilities board created in section
41 474.1 and the economic development board created in
42 section 15.103 shall establish a joint governance
43 board consisting of the following members:

44 (a) Five voting members:

45 (i) One member representing counties.

46 (ii) One member representing cities.

47 (iii) One member representing the department of
48 education.

49 (iv) One member representing urban residential
50 users in the state.

Page 3

1 (v) One member representing rural residential
2 users in the state.

3 (b) Four nonvoting, ex officio members
4 representing the general assembly:

5 (i) Two members appointed from the senate with one
6 member appointed by the majority leader of the senate
7 and one member appointed by the minority leader of the
8 senate.

9 (ii) Two members appointed from the house of
10 representatives with one member appointed by the
11 speaker of the house and one member appointed by the
12 minority leader of the house.

13 (2) Administrative support and planning costs
14 incurred for the governance board shall be provided by
15 the economic development board. Any necessary rules
16 shall be adopted by the economic development board on
17 behalf of the governance board.

18 (3) A quorum of the governance board shall be a
19 majority of the voting members.

20 c. The governance board established in paragraph
21 "b" shall do all of the following:

22 (1) Establish a comprehensive plan for the
23 deployment and sustainability of high-speed broadband
24 access in areas capable of timely implementation of
25 such access. The plan shall be consistent with
26 federal requirements established for federal funds
27 made available for the purposes of such projects that
28 may be considered by the governance board.

29 (2) Establish a competitive process for the
30 disbursement of funds made available for the
31 deployment and sustainability of high-speed broadband
32 services in the form of grants. The governance board
33 shall only consider applications from parties seeking

34 to use funds for projects that are sustainable.

35 (a) The board shall consider only applications
36 submitted by qualified private providers of high-speed
37 broadband services or by private providers to promote
38 telehealth.

39 (b) The board may award to any one qualified
40 provider a grant in an amount of up to twenty percent
41 of the total funds appropriated.

42 (c) The plan shall allow for grants to projects
43 that are financially feasible in areas of the state
44 that remain unserved or underserved consistent with
45 federal requirements.

46 (3) Provide minimum broadband capacity throughout
47 the area consistent with any applicable state and
48 federal law or guidelines. The governance board shall
49 ensure that the minimum broadband capacity meets any
50 federal requirements established with regard to the

Page 4

1 federal funds made available in the form of grants.

2 (4) Demonstrate that any project undertaken and
3 funded by the governance board shall be economically
4 sustainable with no further government assistance
5 based upon expected revenue generation.

6 (5) Establish and maintain separate accounts for
7 the use of bond proceeds and nonbond proceeds."

8 7. Page 29, by inserting after line 31 the
9 following:

10 "DIVISION____

11 GENERAL EFFECTIVE DATE

12 Sec.____. EFFECTIVE DATE. Except as otherwise
13 provided in this Act, this Act, being deemed of
14 immediate importance, takes effect upon enactment."

15 8. Title page, by striking lines 5 and 6, and
16 inserting the following: "center, providing for
17 related matters, and providing".

18 9. By renumbering, relettering, or redesignating
19 and correcting internal references as necessary.

Cohon of Des Moines offered the following amendment [H-1778](#), to the Senate amendment [H-1774](#), filed by him from the floor and moved its adoption:

[H-1778](#)

1 Amend the Senate amendment, [H-1774](#), to House File
2 822, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 2, line 18, through page 4,
5 line 14.

6 2. By renumbering as necessary.

Amendment [H-1778](#) was adopted.

On motion by Cohoon of Des Moines the House concurred in the Senate amendment [H-1774](#), as amended.

Cohoon of Des Moines 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. 822](#))

The ayes were, 54:

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

The nays were, 42:

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

Absent or not voting, 4:

Chambers	De Boef	Huser	McCarthy
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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.

IMMEDIATE MESSAGE

Whitaker of Van Buren asked and received unanimous consent that [House File 822](#) be immediately messaged to the Senate.

Appropriations Calendar

[House File 830](#), 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, was taken up for consideration.

Oldson of Polk offered the following amendment [H-1730](#) filed by her from the floor and moved its adoption:

[H-1730](#)

1 Amend [House File 830](#) as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "DIVISION I
5 MH/MR/DD SERVICES ALLOWED
6 GROWTH FUNDING – FY 2010-2011
7 Section 1. COUNTY MENTAL HEALTH, MENTAL
8 RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED
9 GROWTH APPROPRIATION AND ALLOCATIONS – FISCAL YEAR
10 2010-2011.
11 1. There is appropriated from the general fund of
12 the state to the department of human services for the
13 fiscal year beginning July 1, 2010, and ending June
14 30, 2011, the following amount, or so much thereof as
15 is necessary, to be used for the purpose designated:
16 For distribution to counties of the county mental
17 health, mental retardation, and developmental
18 disabilities allowed growth factor adjustment for
19 fiscal year 2010-2011:
20 \$ 62,157,491
21 2. The amount appropriated in this section shall
22 be allocated as provided in a later enactment of the
23 general assembly.
24 DIVISION II

25 STANDING APPROPRIATIONS
26 AND RELATED MATTERS

27 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2010-2011.

28 1. For the budget process applicable to the fiscal
29 year beginning July 1, 2010, on or before October 1,
30 2009, in lieu of the information specified in section
31 8.23, subsection 1, unnumbered paragraph 1, and
32 paragraph "a", all departments and establishments of
33 the government shall transmit to the director of the
34 department of management, on blanks to be furnished by
35 the director, estimates of their expenditure
36 requirements, including every proposed expenditure,
37 for the ensuing fiscal year, together with supporting
38 data and explanations as called for by the director of
39 the department of management after consultation with
40 the legislative services agency.

41 2. The estimates of expenditure requirements shall
42 be in a form specified by the director of the
43 department of management, and the expenditure
44 requirements shall include all proposed expenditures
45 and shall be prioritized by program or the results to
46 be achieved. The estimates shall be accompanied by
47 performance measures for evaluating the effectiveness
48 of the programs or results.

49 Sec. 3. GENERAL ASSEMBLY.

50 1. The appropriations made pursuant to section

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1 2.12 for the expenses of the general assembly and
2 legislative agencies for the fiscal year beginning
3 July 1, 2009, and ending June 30, 2010, are reduced by
4 the following amount:
5 \$ 4,439,653

6 2. The budgeted amounts for the general assembly
7 for the fiscal year beginning July 1, 2009, may be
8 adjusted to reflect unexpended budgeted amounts from
9 the previous fiscal year.

10 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.

11 Notwithstanding the standing appropriations in the
12 following designated sections for the fiscal year
13 beginning July 1, 2009, and ending June 30, 2010, the
14 amounts appropriated from the general fund of the
15 state pursuant to these sections for the following
16 designated purposes shall not exceed the following
17 amounts:

18 1. For payment for nonpublic school transportation
19 under section 285.2:
20 \$ 7,845,479

21 If total approved claims for reimbursement for
22 nonpublic school pupil transportation exceed the
23 amount appropriated in accordance with this

24 subsection, the department of education shall prorate
 25 the amount of each approved claim.
 26 2. For the state's share of the cost of the peace
 27 officers' retirement benefits under section 411.20:
 28 \$ 2,503,510
 29 3. For operational support grants and community
 30 cultural grants under section 99F.11, subsection 3,
 31 paragraph "e", subparagraph (1):
 32 \$ 452,783
 33 4. For regional tourism marketing under section
 34 99F.11, subsection 3, paragraph "e", subparagraph (2):
 35 \$ 957,809
 36 5. For the Iowa power fund under section 469.10,
 37 subsection 1:
 38 \$ 20,000,000
 39 6. For the enforcement of chapter 453D relating to
 40 tobacco product manufacturers under section 453D.8:
 41 \$ 21,768
 42 7. For the center for congenital and inherited
 43 disorders central registry under section 144.13A,
 44 subsection 4, paragraph "a":
 45 \$ 182,044
 46 8. For primary and secondary child abuse
 47 prevention programs under section 144.13A, subsection
 48 4, paragraph "a":
 49 \$ 217,772
 50 9. For programs for at-risk children under section

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1 279.51:
 2 \$ 11,493,891
 3 The amount of any reduction in this subsection
 4 shall be prorated among the programs specified in
 5 section 279.51, subsection 1, paragraphs "a", "b", and
 6 "c".
 7 Sec. 5. INSTRUCTIONAL SUPPORT STATE AID.
 8 Notwithstanding the standing appropriation provided
 9 under section 257.20, an appropriation from the
 10 general fund of the state to the department of
 11 education for the fiscal year beginning July 1, 2009,
 12 and ending June 30, 2010, shall not be made for
 13 purposes of paying instructional support state aid.
 14 Sec. 6. VETERANS HOME MEDICAL CLINIC. Of moneys
 15 received on or after July 1, 2008, by the Iowa
 16 veterans home from the federal government relating to
 17 the costs to improve and renovate a medical clinic at
 18 the home in a previous fiscal year, the first \$727,000
 19 shall be credited to the general fund of the state on
 20 or after July 1, 2009.
 21 Sec. 7. FEDERAL ECONOMIC STIMULUS AND JOBS HOLDING
 22 ACCOUNT.

23 1. Any unobligated moneys in the federal economic
24 stimulus and jobs holding account on July 1, 2009,
25 shall be transferred to the general fund of the state
26 on July 1, 2009.

27 2. Unobligated moneys in the federal economic
28 stimulus and jobs holding account on the effective
29 date of this section shall not be obligated after the
30 effective date of this section.

31 3. This section shall not apply to moneys
32 appropriated from the federal economic stimulus and
33 jobs holding account in 2009 Iowa Acts, Senate File
34 469, if enacted.

35 Sec. 8. IOWA MATHEMATICS AND SCIENCE COALITION.

36 For the fiscal year beginning July 1, 2009, the
37 university of northern Iowa shall maintain the efforts
38 of the Iowa mathematics and science coalition that
39 were initiated pursuant to section 294A.25, subsection
40 11, Code 2009.

41 Sec. 9. PROPERTY TAX CREDIT FUND – PAYMENTS IN
42 LIEU OF GENERAL FUND REIMBURSEMENT.

43 1. a. A property tax credit fund shall be created
44 in the office of the treasurer of state to be used for
45 the purposes of this section.

46 b. There is appropriated from the general fund of
47 the state to the property tax credit fund created in
48 paragraph "a" for the fiscal year beginning July 1,
49 2009, and ending June 30, 2010, the sum of
50 \$101,395,597.

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1 c. Notwithstanding the requirements in section
2 8.56, subsections 3 and 4, there is appropriated from
3 the cash reserve fund to the property tax credit fund
4 created in paragraph "a" for the fiscal year beginning
5 July 1, 2009, and ending June 30, 2010, the sum of
6 \$54,684,481.

7 d. Notwithstanding section 8.33, the surplus
8 existing in the property tax credit fund created
9 pursuant to 2008 Iowa Acts, chapter 1191, section 5,
10 at the conclusion of the fiscal year beginning July 1,
11 2008, and ending June 30, 2009, is transferred to the
12 property tax credit fund created in paragraph "a".

13 2. There is appropriated from the property tax
14 credit fund for the fiscal year beginning July 1,
15 2009, and ending June 30, 2010, the following amounts
16 for the following designated purposes:

17 a. For reimbursement for the homestead property
18 tax credit under section 425.1:
19 \$100,658,781

20 b. For reimbursement for the family farm and
21 agricultural land tax credits under sections 425A.1

22 and 426.1:
 23 \$ 34,610,183
 24 c. For reimbursement for the military service tax
 25 credit under section 426A.1A:
 26 \$ 2,400,000
 27 d. For implementing the elderly and disabled tax
 28 credit and reimbursement pursuant to sections 425.16
 29 through 425.39:
 30 \$ 22,200,000

31 If the director of revenue determines that the
 32 amount of claims for credit for property taxes due
 33 pursuant to paragraphs "a", "b", "c", and "d", plus
 34 the amount of claims for reimbursement for rent
 35 constituting property taxes paid which are to be paid
 36 during the fiscal year may exceed the total amount
 37 appropriated, the director shall estimate the
 38 percentage of the credits and reimbursements which
 39 will be funded by the appropriation. The county
 40 treasurer shall notify the director of the amount of
 41 property tax credits claimed by June 8, 2009. The
 42 director shall estimate the percentage of the property
 43 tax credits and rent reimbursement claims that will be
 44 funded by the appropriation and notify the county
 45 treasurer of the percentage estimate by June 15, 2009.
 46 The estimated percentage shall be used in computing
 47 for each claim the amount of property tax credit and
 48 reimbursement for rent constituting property taxes
 49 paid for that fiscal year. If the director
 50 overestimates the percentage of funding, claims for

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1 reimbursement for rent constituting property taxes
 2 paid shall be paid until they can no longer be paid at
 3 the estimated percentage of funding. Rent
 4 reimbursement claims filed after that point in time
 5 shall receive priority and shall be paid in the
 6 following fiscal year.

7 Sec. 10. PERFORMANCE OF DUTY. There is
 8 appropriated from the cash reserve fund created in
 9 section 8.56 to the executive council for the fiscal
 10 year beginning July 1, 2009, and ending June 30, 2010,
 11 the following amount, or so much thereof as is
 12 necessary, to be used for the purposes designated:

13 For performance of duty by the executive council in
 14 sections 7D.29 and 29C.20:
 15 \$ 25,600,000

16 The funding from the appropriation made in this
 17 section shall be utilized before any funding from the
 18 general fund of the state.

19 Sec. 11. GENERAL FUND. There is appropriated from
 20 the cash reserve fund created in section 8.56 to the

21 general fund of the state for the fiscal year
 22 beginning July 1, 2009, and ending June 30, 2010, the
 23 following amount:
 24 \$ 65,000,000

25 The moneys appropriated in this section shall not
 26 be considered new revenues under section 8.54 for
 27 purposes of the state general fund expenditure
 28 limitation.

29 Sec. 12. CASH RESERVE FUND APPROPRIATIONS.
 30 Section 8.56, subsections 3 and 4, shall not apply to
 31 any appropriation made in this division of this Act
 32 from the cash reserve fund created in section 8.56.

33 Sec. 13. CASH RESERVE FUND APPROPRIATION FOR
 34 FISCAL YEAR 2009-2010. For the fiscal year beginning
 35 July 1, 2009, and ending June 30, 2010, the
 36 appropriation to the cash reserve fund provided in
 37 section 8.57, subsection 1, paragraph "a", shall not
 38 be made.

39 Sec. 14. Section 331.660, Code 2009, is repealed.

40 Sec. 15. EFFECTIVE DATES.

41 1. The section of this division of this Act
 42 creating the property tax credit fund, being deemed of
 43 immediate importance, takes effect upon enactment.

44 2. The section of this division of this Act
 45 transferring moneys from the federal economic stimulus
 46 and jobs holding account, being deemed of immediate
 47 importance, takes effect upon enactment.

48 Sec. 16. EFFECTIVE DATE AND RETROACTIVE
 49 APPLICABILITY. The section of this division of this
 50 Act providing for crediting of certain moneys received

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1 by the Iowa veterans home to the general fund of the
 2 state, being deemed of immediate importance, takes
 3 effect upon enactment and is retroactively applicable
 4 to July 1, 2008, and is applicable on and after that
 5 date.

DIVISION III

7 SALARIES, COMPENSATION, AND RELATED MATTERS

8 Sec. 17. APPOINTED STATE OFFICERS.

9 1. The governor shall establish a salary for
 10 appointed nonelected persons in the executive branch
 11 of state government holding a position enumerated in
 12 and within the salary ranges provided in 2008 Iowa
 13 Acts, chapter 1191, section 14, by considering, among
 14 other items, the experience of the individual in the
 15 position, changes in the duties of the position, the
 16 incumbent's performance of assigned duties, and
 17 subordinates' salaries. However, the attorney general
 18 shall establish the salary for the consumer advocate,
 19 the chief justice of the supreme court shall establish

20 the salary for the state court administrator, the
21 ethics and campaign disclosure board shall establish
22 the salary of the executive director, and the Iowa
23 public broadcasting board shall establish the salary
24 of the administrator of the public broadcasting
25 division of the department of education, each within
26 the salary range provided in 2008 Iowa Acts, chapter
27 1191, section 14.

28 2. The governor, in establishing salaries as
29 provided in this section, shall take into
30 consideration other employee benefits which may be
31 provided for an individual including but not limited
32 to housing.

33 3. A person whose salary is established pursuant
34 to this section and who is a full-time, year-round
35 employee of the state shall not receive any other
36 remuneration from the state or from any other source
37 for the performance of that person's duties unless the
38 additional remuneration is first approved by the
39 governor or authorized by law. However, this
40 provision does not exclude the reimbursement for
41 necessary travel and expenses incurred in the
42 performance of duties or fringe benefits normally
43 provided to employees of the state.

44 Sec. 18. COLLECTIVE BARGAINING AGREEMENTS FUNDED.

45 The various state departments, boards, commissions,
46 councils, and agencies, including the state board of
47 regents, for the fiscal year beginning July 1, 2009,
48 and ending June 30, 2010, shall provide from available
49 sources pay adjustments, expense reimbursements, and
50 related benefits to fully fund the following:

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

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

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

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

13 5. The collective bargaining agreement negotiated
14 pursuant to chapter 20 for employees in the
15 professional fiscal and staff bargaining unit.

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

- 19 7. The collective bargaining agreement negotiated
20 pursuant to chapter 20 for employees in the
21 professional social services bargaining unit.
- 22 8. The collective bargaining agreement negotiated
23 pursuant to chapter 20 for employees in the
24 community-based corrections bargaining unit.
- 25 9. The collective bargaining agreements negotiated
26 pursuant to chapter 20 for employees in the judicial
27 branch of government bargaining units.
- 28 10. The collective bargaining agreement negotiated
29 pursuant to chapter 20 for employees in the patient
30 care bargaining unit.
- 31 11. The collective bargaining agreement negotiated
32 pursuant to chapter 20 for employees in the science
33 bargaining unit.
- 34 12. The collective bargaining agreement negotiated
35 pursuant to chapter 20 for employees in the university
36 of northern Iowa faculty bargaining unit.
- 37 13. The collective bargaining agreement negotiated
38 pursuant to chapter 20 for employees in the state
39 university of Iowa graduate student bargaining unit.
- 40 14. The collective bargaining agreement negotiated
41 pursuant to chapter 20 for employees in the state
42 university of Iowa hospital and clinics tertiary
43 health care bargaining unit.
- 44 15. The annual pay adjustments, related benefits,
45 and expense reimbursements referred to in the sections
46 of this division of this Act addressing noncontract
47 state and state board of regents employees who are not
48 covered by a collective bargaining agreement.
- 49 Sec. 19. NONCONTRACT STATE EMPLOYEES – GENERAL.
50 1. For the fiscal year beginning July 1, 2009:

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- 1 a. The maximum and minimum salary levels of all
2 pay plans provided for in section 8A.413, subsection
3 3, as they exist for the fiscal year ending June 30,
4 2009, shall not increase.
- 5 b. Employees may receive a step increase or the
6 equivalent of a step increase.
- 7 c. The pay plan for noncontract judicial branch
8 employees shall not be increased.
- 9 d. The pay plans for state employees who are
10 exempt from chapter 8A, subchapter IV, and who are
11 included in the department of administrative services'
12 centralized payroll system shall not be increased, and
13 any additional changes in any executive branch pay
14 plans shall be approved by the governor.
- 15 2. This section does not apply to members of the
16 general assembly, board members, commission members,
17 persons whose salaries are set by the general assembly

18 pursuant to this Act or are set by the governor, or
19 other persons designated in the section of this
20 division of this Act addressing appointed state
21 officers, employees designated under section 8A.412,
22 subsection 5, and employees covered by 11 IAC 53.6(3).

23 3. The pay plans for the bargaining eligible
24 employees of the state shall not be increased, and any
25 additional changes in such executive branch pay plans
26 shall be approved by the governor. As used in this
27 section, "bargaining eligible employee" means an
28 employee who is eligible to organize under chapter 20,
29 but has not done so.

30 4. The policies for implementation of this section
31 shall be approved by the governor.

32 Sec. 20. STATE EMPLOYEES – STATE BOARD OF
33 REGENTS. For the fiscal year beginning July 1, 2009,
34 and ending June 30, 2010, funds shall be provided from
35 available sources of the state board of regents for
36 funding of collective bargaining agreements for state
37 board of regents employees covered by such agreements
38 and for the following state board of regents employees
39 not covered by a collective bargaining agreement:

40 1. Regents merit system employees and merit
41 supervisory employees.

42 2. Faculty members and professional and scientific
43 employees.

44 Sec. 21. BONUS PAY. For the fiscal year beginning
45 July 1, 2009, and ending June 30, 2010, employees of
46 the executive branch, judicial branch, and legislative
47 branch shall not receive bonus pay unless otherwise
48 authorized by law, required pursuant to a contract of
49 employment entered into before July 1, 2009, or
50 required pursuant to a collective bargaining

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1 agreement. This section does not apply to employees
2 of the state board of regents. For purposes of this
3 section, "bonus pay" means any additional remuneration
4 provided an employee in the form of a bonus, including
5 but not limited to a retention bonus, recruitment
6 bonus, exceptional job performance pay, extraordinary
7 job performance pay, exceptional performance pay,
8 extraordinary duty pay, or extraordinary or special
9 duty pay, and any extra benefit not otherwise provided
10 to other similarly situated employees.

11 Sec. 22. SPECIAL FUNDS. For the fiscal year
12 beginning July 1, 2009, and ending June 30, 2010,
13 salary adjustments otherwise provided for in this
14 division of this Act may be funded using departmental
15 revolving, trust, or special funds for which the
16 general assembly has established an operating budget,

17 provided doing so does not exceed the operating budget
18 established by the general assembly.

19 Sec. 23. FEDERAL FUNDS APPROPRIATED. For the
20 fiscal year beginning July 1, 2009, all federal grants
21 to and the federal receipts of the agencies affected
22 by this division of this Act which are received and
23 may be expended for purposes of this division of this
24 Act are appropriated for those purposes and as set
25 forth in the federal grants or receipts.

26 Sec. 24. STATE TROOPER MEAL ALLOWANCE. For the
27 fiscal year beginning July 1, 2009, the sworn peace
28 officers in the department of public safety who are
29 not covered by a collective bargaining agreement
30 negotiated pursuant to chapter 20 shall receive the
31 same per diem meal allowance as the sworn peace
32 officers in the department of public safety who are
33 covered by a collective bargaining agreement
34 negotiated pursuant to chapter 20.

35 Sec. 25. SALARY MODEL ADMINISTRATOR. The salary
36 model administrator shall work in conjunction with the
37 legislative services agency to maintain the state's
38 salary model used for analyzing, comparing, and
39 projecting state employee salary and benefit
40 information, including information relating to
41 employees of the state board of regents. The
42 department of revenue, the department of
43 administrative services, the five institutions under
44 the jurisdiction of the state board of regents, the
45 judicial district departments of correctional
46 services, and the state department of transportation
47 shall provide salary data to the department of
48 management and the legislative services agency to
49 operate the state's salary model. The format and
50 frequency of provision of the salary data shall be

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1 determined by the department of management and the
2 legislative services agency. The information shall be
3 used in collective bargaining processes under chapter
4 20 and in calculating the funding needs contained
5 within the annual salary adjustment legislation. A
6 state employee organization as defined in section
7 20.3, subsection 4, may request information produced
8 by the model, but the information provided shall not
9 contain information attributable to individual
10 employees.

11 Sec. 26. Section 8A.402, subsection 2, Code 2009,
12 is amended by adding the following new paragraph:
13 NEW PARAGRAPH. g. (1) (a) Consult with the
14 department of management and discuss and collaborate
15 with executive branch agencies to implement and

16 maintain a policy for increasing the aggregate ratio
17 in the number of employees per supervisor in executive
18 branch agencies to be fourteen employees for one
19 supervisor. For purposes of determining the effects
20 of the policy on the state employee workforce, the
21 base date of July 1, 2008, shall be used and the
22 target date for full implementation shall be July 1,
23 2011.

24 (b) The policy shall allow appropriation units
25 with twenty-eight or fewer full-time equivalent
26 employee positions to apply for an exception to the
27 policy through the executive council.

28 (c) Before any reduction in supervisory layers is
29 implemented as a result of this paragraph "g", the
30 department shall notify the legislative fiscal
31 committee of the legislative council regarding the
32 proposed reduction. The notification shall include a
33 list of the positions and employment responsibilities
34 to be eliminated or reduced, a list of activities to
35 be eliminated or reduced, and an estimate of the
36 savings expected to result from the elimination or
37 reduction. The legislative fiscal committee shall
38 report to the legislative council concerning the
39 notifications received.

40 (d) The department shall present an interim report
41 to the governor and general assembly on or before
42 April 1, 2010, and a final report on or before April
43 1, 2011, detailing the effects of the policy on the
44 composition of the workforce, cost savings, government
45 efficiency, and outcomes.

46 (e) The policy developed pursuant to this
47 paragraph "g" shall not encompass employees under the
48 state board of regents or a judicial district
49 department of correctional services. However, the
50 department of administrative services shall work with

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1 the state board of regents and the judicial district
2 departments of correctional services to advance the
3 policy as a goal for the supervisory staff of these
4 units of state government.

5 (2) Evaluate the state's systems for job
6 classification of executive branch employees in order
7 to ensure the existence of technical skill-based
8 career paths for such employees which do not depend
9 upon an employee gaining supervisory responsibility
10 for advancement, and which provide incentives for such
11 employees to broaden their knowledge and skill base.
12 The evaluation shall include but is not limited to
13 options for eliminating obsolete, duplicative, or
14 unnecessary job classifications. The department shall

15 present interim reports to the general assembly on or
16 before January 15, 2010, and January 14, 2011,
17 concerning the department's progress in completing the
18 evaluation and associated outcomes.

19 (3) In implementing this paragraph "g", give
20 priority to elimination or reduction of middle
21 management employee positions. In addition, prior to
22 the elimination of employee positions other than
23 middle management positions or positions eliminated
24 due to early retirement, priority shall be given to
25 elimination or deferral by executive branch agencies
26 of purchases and out-of-state travel. The department
27 of management shall report quarterly to the
28 legislative fiscal committee of the legislative
29 council and to the legislative services agency
30 regarding out-of-state travel authorized by executive
31 branch agencies including a listing by agency of
32 personnel authorized to travel, and the cost and
33 purpose of the travel authorized.

34 Sec. 27. 2009 Iowa Acts, [Senate File 475](#), section
35 21, if enacted, is amended to read as follows:

36 ~~SEC. 21. SUPERVISOR AND EMPLOYEE RATIO. The~~
37 ~~department of administrative services and the~~
38 ~~executive branch agencies receiving appropriations in~~
39 ~~this Act shall pursue a goal of achieving a ratio of~~
40 ~~fourteen employees per supervisor in such agencies, by~~
41 ~~December 31, 2009.~~

42 DIVISION IV

43 CORRECTIVE PROVISIONS

44 Sec. 28. Section 8.57, subsection 6, paragraph e,
45 subparagraphs (2) and (3), if enacted by 2009 Iowa
46 Acts, [Senate File 376](#), are amended by striking the
47 subparagraphs and inserting in lieu thereof the
48 following:

49 (2) If the total amount of moneys directed to be
50 deposited in the general fund of the state under

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1 sections 99D.17 and 99F.11 in a fiscal year is less
2 than the total amount of moneys directed to be
3 deposited in the revenue bonds debt service fund in
4 the fiscal year pursuant to this paragraph "e", the
5 difference shall be paid from moneys deposited in the
6 beer and liquor control fund created in section 123.53
7 in the manner provided in section 123.53, subsection
8 2A.

9 ~~(2) (3) If~~ After the deposit of moneys directed to
10 be deposited in the general fund of the state and the
11 revenue bonds debt service fund as provided in
12 subparagraph (1), subparagraph division (a), if the
13 total amount of moneys directed to be deposited in the

14 general fund of the state under sections 99D.17 and
15 99F.11 in a fiscal year is less than the total amount
16 of moneys directed to be deposited in the vision Iowa
17 fund and the school infrastructure fund in the fiscal
18 year pursuant to this paragraph "e", the difference
19 shall be paid from lottery revenues in the manner
20 provided in section 99G.39, subsection 3.

21 Sec. 29. Section 12.90C, subsection 2, paragraph
22 a, if enacted by 2009 Iowa Acts, [Senate File 477](#), is
23 amended to read as follows:

24 3. The net proceeds of bonds issued pursuant to
25 section 12.90A ~~other than bonds issued for the purpose~~
26 ~~of refunding such bonds~~ and investment earnings on the
27 net proceeds.

28 Sec. 30. Section 21.2, subsection 1, paragraph i,
29 if enacted by 2009 Iowa Acts, [Senate File 437](#), is
30 amended to read as follows:

31 i. The governing body of a drainage or ~~levy levee~~
32 district as provided in chapter 468, including a board
33 as defined in section 468.3, regardless of how the
34 district is organized.

35 Sec. 31. Section 22.1, subsection 1, as amended by
36 2009 Iowa Acts, [Senate File 437](#), if enacted, is
37 amended to read as follows:

38 1. The term "government body" means this state, or
39 any county, city, township, school corporation,
40 political subdivision, tax-supported district,
41 nonprofit corporation other than a fair conducting a
42 fair event as provided in chapter 174, whose
43 facilities or indebtedness are supported in whole or
44 in part with property tax revenue and which is
45 licensed to conduct pari-mutuel wagering pursuant to
46 chapter 99D; the governing body of a drainage or ~~levy~~
47 ~~levee~~ district as provided in chapter 468, including a
48 board as defined in section 468.3, regardless of how
49 the district is organized; or other entity of this
50 state, or any branch, department, board, bureau,

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1 commission, council, committee, official, or officer
2 of any of the foregoing or any employee delegated the
3 responsibility for implementing the requirements of
4 this chapter.

5 Sec. 32. Section 80D.3, subsection 3, paragraph b,
6 if enacted by 2009 Iowa Acts, [House File 762](#), section
7 1, is amended to read as follows:

8 b. A person appointed to serve as a reserve peace
9 officer who has met the one-hundred-fifty-hour
10 training requirement ~~obtained by obtaining training~~ at
11 a community college or other facility selected by the
12 individual and approved by the law enforcement agency

13 prior to July 1, 2007, shall be exempted from
14 completing the minimum training course at the
15 discretion of the appointing authority and shall
16 continue to hold certification with the appointing
17 authority.

18 Sec. 33. Section 89.3, subsection 5, paragraph a,
19 subparagraph (4), if enacted by 2009 Iowa Acts, House
20 File 720, section 2, is amended to read as follows:

21 (4) The owner or user is a participant in good
22 standing in the Iowa occupational safety and health
23 voluntary protection program and ~~have has~~ achieved
24 star status within the program, which is administered
25 by the division of labor in the department of
26 workforce development.

27 Sec. 34. Section 216A.132A, subsection 5,
28 paragraph i, as enacted by 2009 Iowa Acts, House File
29 315, section 1, is amended to read as follows:

30 i. Iowa cooperative extension service in
31 agriculture and home economics.

32 Sec. 35. Section 321A.1, subsection 3, Code 2009,
33 is amended to read as follows:

34 3. JUDGMENT. A judgment which has become final by
35 expiration without appeal during the time within which
36 an appeal might have been perfected, or a judgment if
37 an appeal from the judgment has been perfected, which
38 has not been stayed by the execution, filing and
39 approval of a bond as provided in rule of appellate
40 procedure ~~6.7(1)~~ 6.601(1), or a judgment which has
41 become final by affirmation on appeal, rendered by a
42 court of competent jurisdiction of a state or of the
43 United States, upon a cause of action arising out of
44 the ownership, maintenance, or use of a motor vehicle,
45 as defined in this section, for damages, including
46 damages for care and loss of services, because of
47 bodily injury to or death of a person, or for damages
48 because of injury to or destruction of property,
49 including the loss of use of property, or upon a cause
50 of action on an agreement of settlement for such

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1 damages.

2 Sec. 36. Section 321A.3, subsection 8, paragraph
3 a, subparagraph (1), if enacted by 2009 Iowa Acts,
4 [Senate File 374](#), section 1, is amended to read as
5 follows:

6 (1) A person who purchases a certified abstract of
7 an operating record directly from the department under
8 this section shall only use, sell, disclose, or
9 distribute the abstract or any portion of the abstract
10 one time, for one purpose, and the person shall not
11 supply that abstract or any portion of that abstract

12 to more than one other person. The person shall make
13 a subsequent request for the ~~record of~~ abstract and
14 pay an additional fee for the request in the same
15 manner as provided for the initial request for any
16 subsequent use, sale, disclosure, or distribution of
17 the same certified abstract or any portion of the
18 abstract or to supply the same certified abstract or
19 any portion of the abstract to another person, except
20 as provided in subparagraph (2).

21 Sec. 37. Section 347.7, subsection 4, paragraph a,
22 if enacted by 2009 Iowa Acts, [House File 260](#), section
23 5, is amended to read as follows:

24 a. The tax levy authorized by this section for
25 operation and maintenance of the hospital may be
26 available in whole or in part to any county with or
27 without a county hospital organized under this
28 chapter, to be used to enhance rural health services
29 in the county. However, the tax levied may be
30 expended for enhancement of rural health care services
31 only following a local planning process. The Iowa
32 department of public health shall establish guidelines
33 to be followed by counties in implementing the local
34 planning process which shall require legal notice,
35 public hearings, and a referendum in accordance with
36 this subsection prior to the authorization of any new
37 levy or a change in the use of a levy. The notice
38 shall describe the new levy or the change in the use
39 of the levy, indicate the date and location of the
40 hearing, and shall be published ~~as~~ at least once each
41 week for two consecutive weeks in a newspaper having
42 general circulation in the county. The hearing shall
43 not take place prior to two weeks after the second
44 publication.

45 Sec. 38. Section 423.4, subsection 5, paragraph f,
46 Code 2009, as amended by 2009 Iowa Acts, Senate File
47 322, section 7, is amended to read as follows:

48 f. Notwithstanding the state sales tax imposed in
49 section 423.2, a rebate issued pursuant to this
50 ~~section~~ subsection shall not exceed an amount equal to

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1 five percent of the sales price of the tangible
2 personal property or services furnished to purchasers
3 at the automobile racetrack facility. Any local
4 option taxes paid and collected shall not be subject
5 to rebate under this subsection.

6 Sec. 39. Section 533.329, subsection 2, paragraph
7 m, Code 2009, is amended to read as follows:

8 m. The moneys and credits tax imposed under this
9 section shall be reduced by a redevelopment tax credit
10 allowed under chapter 15, subchapter II, part 9.

11 Sec. 40. Section 533A.2, subsection 2, paragraph
12 h, if enacted by 2009 Iowa Acts, [Senate File 311](#),
13 section 2, is amended to read as follows:

14 h. A person licensed under chapter 533C, including
15 that person's authorized delegates as defined in
16 section 533C.102, or a person exempt from licensing
17 under section 533C.103, when engaging in money
18 transmission or currency exchange as defined in
19 ~~chapter~~ section 533C.102.

20 Sec. 41. Section 535D.4A, subsection 1, if enacted
21 by 2009 Iowa Acts, [Senate File 355](#), section 5, is
22 amended to read as follows:

23 1. A registered mortgage loan originator when
24 acting for an employer described in section 535D.3,
25 subsection ~~11~~ 12.

26 Sec. 42. Section 535B.7A, as enacted by 2009 Iowa
27 Acts, [Senate File 355](#), section 30, is amended to read
28 as follows:

29 535B.7A PROHIBITED ACTS.

30 It is a violation of this chapter for a licensee to
31 engage in any of the prohibited acts or practices in
32 section ~~535D.16~~ 535D.17.

33 Sec. 43. Section 598.21, subsection 2, Code 2009,
34 as amended by 2009 Iowa Acts, [Senate File 288](#), section
35 36, is amended to read as follows:

36 2. DUTIES OF COUNTY RECORDER. The county recorder
37 shall record each quitclaim deed or change of title
38 and shall collect the ~~fees~~ fee specified in section
39 331.507, subsection 2, paragraph "a", and the ~~fee~~ fees
40 specified in section 331.604.

41 Sec. 44. Section 633A.5107, subsection 5, if
42 enacted by 2009 Iowa Acts, [Senate File 320](#), section 1,
43 is amended to read as follows:

44 5. For a charitable trust described in subsection
45 1, created prior to the effective date of this Act and
46 still in existence, the trustee shall register the
47 trust with and submit a current copy of the trust
48 instrument and financial report to the attorney
49 general not later than one hundred thirty-five days
50 after the close of the trust's next fiscal year

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1 following the effective date of this Act. The trustee
2 shall comply with the remainder of this ~~Act~~ section a
3 if the charitable trust were created on or after the
4 effective date of this Act.

5 Sec. 45. Section 637.421, subsection 6, as enacted
6 by 2009 Iowa Acts, [Senate File 365](#), section 12, is
7 amended to read as follows:

8 6. A trustee shall determine the internal income
9 of each separate fund for the accounting period as if

10 the separate fund were a trust subject to this
 11 chapter. Upon request of the surviving spouse, the
 12 trustee shall demand that the person administering the
 13 separate fund ~~to~~ distribute such internal income to
 14 the trust. The trustee shall allocate a payment from
 15 the separate fund to income to the extent of the
 16 internal income of the separate fund and distribute
 17 that amount to the surviving spouse. The trustee
 18 shall allocate the balance to principal. Upon request
 19 of the surviving spouse, the trustee shall allocate
 20 principal to income to the extent the internal income
 21 of the separate fund exceeds payments made from the
 22 separate fund to the trust during the accounting
 23 period.

24 Sec. 46. Section 915.86, subsections 8 and 12,
 25 Code 2009, are amended to read as follows:

26 8. In the event of a victim's death, reasonable
 27 charges incurred for counseling the victim's spouse,
 28 children, parents, siblings, or persons cohabiting
 29 with or related by blood or affinity to the victim if
 30 the counseling services are provided by a psychologist
 31 licensed under chapter 154B, a victim counselor as
 32 defined in section 915.20A, subsection 1, or an
 33 individual holding at least a master's degree in
 34 social work or counseling and guidance, and reasonable
 35 charges incurred by such persons for medical care
 36 counseling provided by a psychiatrist licensed under
 37 chapter ~~147 or 150A~~ 148. The allowable charges under
 38 this subsection shall not exceed five thousand dollars
 39 per person.

40 12. Reasonable charges incurred for mental health
 41 care for secondary victims which include the services
 42 provided by a psychologist licensed under chapter
 43 154B, a person holding at least a master's degree in
 44 social work, counseling, or a related field, a victim
 45 counselor as defined in section 915.20A, or a
 46 psychiatrist licensed under chapter ~~147, 148, or 150A~~.
 47 The allowable charges under this subsection shall not
 48 exceed two thousand dollars per secondary victim.

49 Sec. 47. 2009 Iowa Acts, [Senate File 197](#), section
 50 9, is amended to read as follows:

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1 SEC. 9. APPLICABILITY AND EFFECTIVE DATES. The
 2 section of this Act amending section 96.3, subsection
 3 5, applies to any week of unemployment benefits
 4 beginning on or after July 5, 2009. The section of
 5 this Act amending section 96.4 applies to any new
 6 claim of unemployment benefits with an effective date
 7 on or after July 5, 2009.

8 Sec. 48. 2009 Iowa Acts, [Senate File 364](#), section

9 17, subsection 5, is amended to read as follows:

10 5. The section of this Act enacting section
11 654.4B, subsection 1, and the sections of this Act
12 amending sections 626.81, 654.5, and 654.17 apply to
13 judgments entered on or after the effective date of
14 this Act.

15 Sec. 49. 2009 Iowa Acts, [Senate File 445](#), section
16 10, amending section 294A.9, subsection 9, if enacted,
17 being deemed of immediate importance, takes effect
18 upon enactment.

19 Sec. 50. 2009 Iowa Acts, [Senate File 446](#), section
20 82, is repealed.

21 Sec. 51. CONTINGENT REPEAL. If 2009 Iowa Acts,
22 [Senate File 438](#), is enacted and amends section 235B.2,
23 subsection 5, paragraph "a", subparagraph (3), 2009
24 Iowa Acts, [Senate File 446](#), sections 95 and 96, are
25 repealed.

26 Sec. 52. EFFECTIVE DATES AND RETROACTIVITY. The
27 section of this division of this Act relating to 2009
28 Iowa Acts, [Senate File 445](#), section 10, and amending
29 section 294A.9, subsection 9, being deemed of
30 immediate importance, takes effect upon enactment.

31 DIVISION V

32 JUDICIAL BRANCH FEES – APPROPRIATIONS

33 Sec. 53. Section 602.8105, subsection 1, paragraph
34 a, Code 2009, is amended to read as follows:

35 a. ~~For Except as otherwise provided in this~~
36 ~~subsection, for filing and docketing a petition, other~~
37 ~~than a modification of a dissolution decree to which a~~
38 ~~written stipulation is attached at the time of filing~~
39 ~~containing the agreement of the parties to the terms~~
40 ~~of modification, one hundred eighty-five dollars. In~~
41 counties having a population of ninety-eight thousand
42 or over, an additional five dollars shall be charged
43 and collected to be known as the journal publication
44 fee and used for the purposes provided for in section
45 618.13. ~~For multiple adoption petitions filed at the~~
46 ~~same time by the same petitioner under section 600.3,~~
47 ~~the filing fee and any court costs for any petition~~
48 ~~filed in addition to the first petition filed are~~
49 ~~waived.~~

50 Sec. 54. Section 602.8105, subsection 1, Code

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1 2009, is amended by adding the following new
2 paragraph:

3 NEW PARAGRAPH. aa. For filing and docketing a
4 petition pursuant to chapter 598 other than a
5 dissolution of marriage petition, one hundred dollars.

6 Sec. 55. Section 602.8105, subsection 1, paragraph
7 b, Code 2009, is amended to read as follows:

8 b. For filing and docketing an application for
9 modification of a dissolution decree to which a
10 written stipulation is attached at the time of filing
11 containing the agreement of the parties to the terms
12 of modification, ~~forty~~ one hundred dollars.

13 Sec. 56. Section 602.8105, subsection 1, Code
14 2009, is amended by adding the following new
15 paragraph:

16 NEW PARAGRAPH. cc. For filing and docketing a
17 petition for adoption pursuant to chapter 600, one
18 hundred dollars. For multiple adoption petitions
19 filed at the same time by the same petitioner under
20 section 600.3, the filing fee and any court costs for
21 any petition filed in addition to the first petition
22 filed are waived.

23 Sec. 57. Section 602.8105, subsection 1, paragraph
24 e, Code 2009, is amended to read as follows:

25 e. For an appeal from a judgment in small claims
26 or for filing and docketing a writ of error,
27 ~~seventy-five~~ one hundred eighty-five dollars.

28 Sec. 58. Section 602.8105, subsection 2,
29 paragraphs a, b, c, and d, Code 2009, are amended to
30 read as follows:

31 a. For filing, entering, and endorsing a
32 mechanic's lien, ~~twenty~~ fifty dollars, and if a suit
33 is brought, the fee is taxable as other costs in the
34 action.

35 b. For filing and entering any other statutory
36 lien, ~~twenty~~ fifty dollars.

37 c. For a certificate and seal, ~~ten~~ twenty dollars.
38 However, there shall be no charge for a certificate
39 and seal to an application to procure a pension,
40 bounty, or back pay for a member of the armed services
41 or other person.

42 d. For certifying a change in title of real
43 estate, ~~twenty~~ fifty dollars.

44 Sec. 59. Section 602.8105, subsection 2, Code
45 2009, is amended by adding the following new
46 paragraph:

47 NEW PARAGRAPH. gg. For filing a lis pendens,
48 fifty dollars.

49 Sec. 60. Section 602.8106, subsection 1,
50 paragraphs b, d, e, and f, Code 2009, are amended to

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1 read as follows:

2 b. For filing and docketing of a complaint or
3 information for a simple misdemeanor and a complaint
4 or information for a nonscheduled simple misdemeanor
5 under chapter 321, ~~forty~~ sixty dollars.

6 d. The court costs in scheduled violation cases

7 where a court appearance is required, ~~fifty sixty~~
8 dollars.

9 e. For court costs in scheduled violation cases
10 where a court appearance is not required, ~~fifty sixty~~
11 dollars.

12 f. For an appeal of a simple misdemeanor to the
13 district court, ~~fifty seventy-five~~ dollars.

14 Sec. 61. Section 625.8, subsection 2, Code 2009,
15 is amended to read as follows:

16 2. The clerk of the district court shall tax as a
17 court cost a fee of ~~fifteen forty~~ dollars per day for
18 the services of a court reporter.

19 Sec. 62. Section 631.6, subsection 1, paragraph a,
20 Code 2009, is amended to read as follows:

21 a. Fees for filing and docketing shall be ~~fifty~~
22 ~~eighty-five~~ dollars.

23 Sec. 63. Section 633.31, subsection 2, paragraph
24 k, unnumbered paragraph 8, Code 2009, is amended to
25 read as follows:

26 For each additional \$25,000.00 or major
27 fraction thereof ~~25.00~~
28 50.00

29 Sec. 64. Section 911.1, subsection 1, Code 2009,
30 is amended to read as follows:

31 1. A criminal penalty surcharge shall be levied
32 against law violators as provided in this section.
33 When a court imposes a fine or forfeiture for a
34 violation of state law, or a city or county ordinance,
35 except an ordinance regulating the parking of motor
36 vehicles, the court or the clerk of the district court
37 shall assess an additional penalty in the form of a
38 criminal penalty surcharge equal to ~~thirty two~~
39 ~~thirty-five~~ percent of the fine or forfeiture imposed.

40 Sec. 65. 2009 Iowa Acts, [Senate File 472](#), section
41 1, subsection 1, unnumbered paragraph 2, if enacted,
42 is amended to read as follows:

43 For salaries of supreme court justices, appellate
44 court judges, district court judges, district
45 associate judges, judicial magistrates and staff,
46 state court administrator, clerk of the supreme court,
47 district court administrators, clerks of the district
48 court, juvenile court officers, board of law examiners
49 and board of examiners of shorthand reporters and
50 judicial qualifications commission; receipt and

1 disbursement of child support payments; reimbursement
2 of the auditor of state for expenses incurred in
3 completing audits of the offices of the clerks of the
4 district court during the fiscal year beginning July
5 1, 2009; and maintenance, equipment, and miscellaneous

6 purposes:
 7 \$140,184,957
 8 160,184,957

9 As a condition of receiving an increase to the
 10 appropriation made in this section, the judicial
 11 branch shall allocate the first \$5,400,000 of the
 12 increased amount as follows: \$4,800,000 for the
 13 state's required contribution under section 602.9104
 14 to the judicial retirement fund, \$350,000 for court
 15 debt collection, and \$250,000 for judicial officer and
 16 court employee travel reimbursement for civil trials.

17 Sec. 66. JUDICIAL BRANCH. There is appropriated
 18 from the general fund of the state to the judicial
 19 branch for the fiscal year beginning July 1, 2008, and
 20 ending June 30, 2009, the following amount, or so much
 21 thereof as is necessary, to be used for the purposes
 22 designated:

23 For the operations and duties of the judicial
 24 branch, and maintenance, equipment, and miscellaneous
 25 purposes:

26 \$ 760,000

27 Sec. 67. DRUG COURT PROGRAMS. In addition to the
 28 appropriations in 2009 Iowa Acts, [Senate File 475](#),
 29 section 5, if enacted, and any other appropriations,
 30 there is appropriated from the general fund of the
 31 state to the department of corrections for the fiscal
 32 year beginning July 1, 2009, and ending June 30, 2010,
 33 the following amounts, or so much thereof as is
 34 necessary, for maintaining drug court programs in each
 35 county in which such a program exists as of April 1,
 36 2009, within a judicial district department of
 37 correctional services, to be allocated as follows:

38 1. For the first judicial district department of
 39 correctional services:
 40 \$ 359,895

41 2. For the second judicial district department of
 42 correctional services:
 43 \$ 252,799

44 3. For the third judicial district department of
 45 correctional services:
 46 \$ 220,856

47 4. For the fourth judicial district department of
 48 correctional services:
 49 \$ 318,752

50 5. For the fifth judicial district department of

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1 correctional services:
 2 \$ 319,582

3 6. For the sixth judicial district department of
 4 correctional services:

5 \$ 369,486

6 7. For the seventh judicial district department of
7 correctional services:

8 \$ 157,173

9 8. For the eighth judicial district department of
10 correctional services:

11 \$ 182,066

12 It is the intent of the general assembly that each
13 judicial district department of correctional services
14 shall cooperate with and utilize local community-based
15 treatment providers licensed under chapter 125. Each
16 judicial district department of correctional services
17 shall submit a report to the general assembly and to
18 the co-chairpersons and ranking members of the joint
19 appropriations subcommittee on the justice system, and
20 the legislative services agency by December 15, 2009,
21 detailing the utilization of drug court funds
22 allocated in this section.

23 Sec. 68. ADDITIONAL APPROPRIATION – DEPARTMENT OF
24 PUBLIC SAFETY. In addition to the appropriations in

25 2009 Iowa Acts, [Senate File 475](#), section 14, if
26 enacted, and any other appropriations, there is
27 appropriated from the general fund of the state to the
28 department of public safety for the fiscal year
29 beginning July 1, 2009, and ending June 30, 2010, the
30 following amount, or so much thereof as is necessary,
31 to be used for the purpose designated:

32 For performing the duties of the department:
33 \$ 1,576,987

34 Sec. 69. VICTIM ASSISTANCE GRANTS. In addition to

35 the appropriation in 2009 Iowa Acts, [Senate File 475](#),
36 section 1, if enacted, and any other appropriations,
37 there is appropriated from the general fund of the
38 state to the department of justice for the fiscal year
39 beginning July 1, 2009, and ending June 30, 2010, the
40 following amount, or so much thereof as is necessary,
41 to be used for the purposes designated:

42 For victim assistance grants:
43 \$ 1,000,000

44 Sec. 70. FAMILY LAW MEDIATION. Each judicial

45 district is encouraged to implement a family law
46 mediation program pursuant to section 598.7, to
47 encourage the resolution of domestic relations
48 disputes through facilitation of communication and
49 negotiation between parties in reaching voluntary
50 agreements, rather than prolonged judicial,

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1 administrative, arbitral, or other adjudicative
2 processes or proceedings. Each judicial district
3 shall report to the supreme court by January 15, 2010,

4 its decision regarding such implementation.
5 Sec. 71. EFFECTIVE DATES.

6 1. This division of this Act, being deemed of
7 immediate importance, takes effect upon enactment.

8 2. Notwithstanding subsection 1, the sections of
9 this division of this Act amending 2009 Iowa Acts,
10 [Senate File 472](#), section 1, subsection 1, unnumbered
11 paragraph 2, appropriating moneys to the department of
12 corrections for drug court programs, supplementing
13 appropriations to the department of public safety for
14 duties of the department, and supplementing
15 appropriations to the department of justice for victim
16 assistance grants, take effect July 1, 2009.

17 DIVISION VI

18 TRANSPORTATION PROVISIONS

19 Sec. 72. DEPARTMENT OF TRANSPORTATION.

20 1. There is appropriated from the primary road
21 fund to the department of transportation for the
22 fiscal year beginning July 1, 2008, and ending June
23 30, 2009, the following amount, or so much thereof as
24 is necessary, to be used for the purposes designated:

25 For the purchase of salt:
26 \$ 2,271,600

27 2. Notwithstanding section 8.33, moneys
28 appropriated in this section that remain unencumbered
29 or unobligated at the close of the fiscal year shall
30 not revert but shall remain available for expenditure
31 for the designated purpose until the close of the
32 succeeding fiscal year.

33 Sec. 73. Section 321H.3, subsection 2, Code 2009,
34 as amended by 2009 Acts, [Senate File 419](#), if enacted,
35 is amended to read as follows:

36 2. Dismantling, scrapping, recycling, ~~or~~
37 ~~salvaging, or obtaining a junking certificate for~~ more
38 than six vehicles subject to registration in a
39 twelve-month period.

40 Sec. 74. REIMBURSEMENT TO CITY OF MUSCATINE.

41 There is appropriated from the road use tax fund to
42 the department of transportation for the fiscal year
43 beginning July 1, 2009, and ending June 30, 2010, the
44 following amount, or so much thereof as is necessary,
45 to be used for the purposes designated:

46 To reimburse the city of Muscatine for costs
47 associated with implementation of section 314.29:
48 \$ 1,072

49 Sec. 75. PAYMENT OF CEDAR FALLS ASSESSMENT. There
50 is appropriated from the road use tax fund to the

1 department of transportation for the fiscal year
2 beginning July 1, 2009, and ending June 30, 2010, the

3 following amount, or so much thereof as is necessary,
 4 to be used for the purpose designated:
 5 For payment pursuant to section 307.45, to the city
 6 of Cedar Falls for improvements to west twenty-third
 7 street adjoining university of northern Iowa property:
 8 \$ 317,906

9 Sec. 76. Section 307.45, unnumbered paragraph 4,
 10 Code 2009, is amended by striking the unnumbered
 11 paragraph.

12 Sec. 77. EFFECTIVE DATE. The section of this
 13 division of this Act relating to the appropriation
 14 from the primary road fund to the department of
 15 transportation for the purchase of salt, being deemed
 16 of immediate importance, takes effect upon enactment.

17 DIVISION VII

18 MISCELLANEOUS APPROPRIATIONS

19 Sec. 78. RACING AND GAMING COMMISSION. There is
 20 appropriated from the general fund of the state to the
 21 racing and gaming commission for the fiscal year
 22 beginning July 1, 2009, and ending June 30, 2010, the
 23 following amount, or so much thereof as is necessary,
 24 to be used for the purposes designated:

25 1. RACETRACK REGULATION
 26 For salaries, support, maintenance, and
 27 miscellaneous purposes and for the regulation of
 28 pari-mutuel racetracks:
 29 \$ 277,374

30 2. EXCURSION BOAT AND GAMBLING STRUCTURE
 31 REGULATION
 32 For salaries, support, maintenance, and
 33 miscellaneous purposes and for administration and
 34 enforcement of the excursion boat gambling and
 35 gambling structure laws:
 36 \$ 321,316

37 Sec. 79. 2009 Iowa Acts, [Senate File 470](#), section
 38 10, subsection 2, paragraph b, if enacted, is amended
 39 to read as follows:

40 ~~b. Center for disabilities and development~~
 41 ~~For salaries, support, maintenance, miscellaneous~~
 42 ~~purposes, and for not more than the following~~
 43 ~~full-time equivalent positions:~~
 44 \$ 6,335,993
 45 FTEs 130.37

46 ~~From the moneys appropriated in this lettered~~
 47 ~~paragraph, \$182,140 shall be allocated for purposes of~~
 48 ~~the employment policy group.~~

49 Sec. 80. 2009 Iowa Acts, [House File 811](#), section
 50 9, unnumbered paragraph 2, if enacted, is amended to

1 read as follows:

2 For medical assistance reimbursement and associated
 3 costs as specifically provided in the reimbursement
 4 methodologies in effect on June 30, 2009, except as
 5 otherwise expressly authorized by law, including
 6 reimbursement for abortion services which shall be
 7 available under the medical assistance program only
 8 for those abortions which are medically necessary:
 9 \$677,613,847

10 681,949,840

11 Sec. 81. 2009 Iowa Acts, [House File 811](#), section
 12 9, subsection 12, if enacted, is amended to read as
 13 follows:

14 12. a. Of the funds appropriated in this section,
 15 ~~\$2,687,889~~ \$7,023,882 is allocated for state match for
 16 disproportionate share hospital payment of ~~\$7,321,954~~
 17 \$19,133,430 to hospitals that meet both of the
 18 following conditions:

- 19 (1) The hospital qualifies for disproportionate
 20 share and graduate medical education payments.
- 21 (2) The hospital is an Iowa state-owned hospital
 22 with more than 500 beds and eight or more distinct
 23 residency specialty or subspecialty programs
 24 recognized by the American college of graduate medical
 25 education.

26 b. Distribution of the disproportionate share
 27 payment shall be made on a monthly basis. The total
 28 amount of disproportionate share payments including
 29 graduate medical education, enhanced disproportionate
 30 share, and Iowa state-owned teaching hospital payments
 31 shall not exceed the amount of the state's allotment
 32 under Pub. L. No. 102-234. In addition, the total
 33 amount of all disproportionate share payments shall
 34 not exceed the hospital-specific disproportionate
 35 share limits under Pub. L. No. 103-66.

36 c. The department shall amend the medical
 37 assistance state plan as necessary to implement the
 38 provisions of this subsection. If the state plan
 39 amendment is not approved as submitted or there are
 40 changes in federal policies or application of federal
 41 policies that impact the distribution of
 42 disproportionate share hospital payments, the
 43 department shall immediately notify the governor and
 44 the general assembly.

45 Sec. 82. TUITION GRANTS – APPROPRIATION. There
 46 is appropriated from the general fund of the state to
 47 the college student aid commission for the fiscal year
 48 beginning July 1, 2009, and ending June 30, 2010, the
 49 following amount, or so much thereof as is necessary,
 50 to be used for the purposes designated:

1 For tuition grants as provided under section
 2 261.25, subsection 1:
 3 \$ 2,000,000

4 Sec. 83. 2009 Iowa Acts, [Senate File 467](#), section
 5 1, if enacted, is amended by adding the following new
 6 subsection:

7 NEW SUBSECTION. 3. Of the amount appropriated in
 8 this section, \$238,000 is transferred to Iowa state
 9 university of science and technology, to be used for
 10 the university's midwest grape and wine industry
 11 institute.

12 DIVISION VIII

13 MISCELLANEOUS STATUTORY CHANGES

14 Sec. 84. COUNTY LAND RECORD INFORMATION SYSTEM –
 15 PROJECT MANAGER. If [Senate File 465](#), relating to the
 16 duties of county recorders, fees collected by the
 17 county recorders, and the county land record
 18 information system, is enacted by the Eighty-third
 19 General Assembly and signed into law by the governor,
 20 the governing board of the county land record
 21 information system shall immediately terminate any
 22 existing contract with a project manager if such
 23 termination prior to the end of the contract term is
 24 permitted under the contract. Following such
 25 termination the governing board of the county land
 26 record information system shall initiate a new request
 27 for proposals for a project manager.

28 Sec. 85. GLENWOOD STATE PRESERVE. Portions of the
 29 property of the Glenwood state resource center that
 30 are not necessary to the operation of the center and
 31 that have been determined to be archaeologically and
 32 environmentally significant by the state
 33 archaeologist, shall be transferred to the
 34 jurisdiction of the department of natural resources.
 35 The director of the department of human services shall
 36 execute such real estate transfer documents as are
 37 necessary to transfer such real property of the
 38 Glenwood state resource center, as identified in
 39 contract completion report No. 1553 (2007) of the
 40 state archaeologist, to the department of natural
 41 resources. The state advisory board for preserves
 42 shall assess the natural condition, character, and
 43 features of the transferred property and make
 44 recommendations for the establishment of a state
 45 preserve on the property. The department of natural
 46 resources may establish agreements with governmental
 47 bodies and independent nonprofit agencies to construct
 48 recreational and educational facilities on the
 49 transferred property, such as, but not limited to,
 50 event facilities and interpretive centers.

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1 Sec. 86. DISASTER-IMPACTED EXEMPTION.
2 Notwithstanding the requirement for the filing of a
3 claim for property tax exemption by February 1, and
4 notwithstanding any other provisions to the contrary,
5 a society or organization claiming an exemption under
6 section 427.1, subsection 14, may file for an
7 exemption with the local assessor by May 1, 2009, for
8 property that is located in a county declared a
9 disaster area in calendar year 2008, if the society or
10 organization was unable to file for the exemption as a
11 result of the inability or failure to file for the
12 exemption caused by the need to respond to a natural
13 disaster occurring in calendar year 2008.

14 Sec. 87. NEW SECTION. 7D.16 ALCOHOLIC BEVERAGES
15 IN STATE CAPITOL OR ON COMPLEX GROUNDS.

16 Notwithstanding any contrary provision of law
17 prohibiting the use and consumption of alcoholic
18 beverages in a public place, the executive council may
19 authorize, by resolution, the temporary use and
20 consumption of alcoholic beverages, as defined in
21 section 123.3, in the state capitol or on the state
22 capitol complex grounds, as if the state capitol or
23 state capitol complex grounds were a private place.
24 The authorization by resolution shall be limited to
25 the use and consumption of alcoholic beverages as an
26 accompaniment to food at a single award ceremony,
27 social event, or other occasion deemed appropriate by
28 the executive council. The authorization shall
29 require that the person providing the food and
30 alcoholic beverages possess an appropriate liquor
31 control license in accordance with section 123.95.
32 The secretary of the executive council shall inform
33 the secretary of the legislative council and the
34 director of the department of administrative services
35 of the approval of any such resolution.

36 Sec. 88. Section 15.335, Code 2009, is amended by
37 adding the following new subsection:
38 NEW SUBSECTION. 6. Notwithstanding any provision
39 to the contrary, the amount of tax credit claimed
40 under this section and the identity of the taxpayer
41 making the claim shall be a public record. The
42 department of revenue shall issue a quarterly report
43 containing the name of each taxpayer claiming the
44 credit, the dollar amount of the claim, and the
45 portion of the claim issued as a refund to the
46 taxpayer, for each claim processed during the previous
47 calendar quarter, beginning with claims filed on or
48 after July 1, 2009.

49 Sec. 89. Section 15.335, subsection 4, paragraph
50 b, Code 2009, is amended to read as follows:

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1 b. For purposes of this section, "Internal Revenue
2 Code" means the Internal Revenue Code in effect on
3 January 1, ~~2008~~ 2009.

4 Sec. 90. Section 15A.9, subsection 8, paragraph e,
5 subparagraph (2), Code 2009, is amended to read as
6 follows:

7 (2) For purposes of this subsection, "Internal
8 Revenue Code" means the Internal Revenue Code in
9 effect on January 1, ~~2008~~ 2009.

10 Sec. 91. Section 15E.196, subsection 1, paragraph
11 b, Code 2009, is amended by striking the paragraph.

12 Sec. 92. Section 15E.305, subsection 1, Code 2009,
13 is amended to read as follows:

14 1. For tax years beginning on or after January 1,
15 2003, a tax credit shall be allowed against the taxes
16 imposed in chapter 422, divisions II, III, and V, and
17 in chapter 432, and against the moneys and credits tax
18 imposed in section 533.329 equal to ~~twenty~~ twenty-five
19 percent of a taxpayer's endowment gift to an endow
20 Iowa qualified community foundation. An individual
21 may claim a tax credit under this section of a
22 partnership, limited liability company, S corporation,
23 estate, or trust electing to have income taxed
24 directly to the individual. The amount claimed by the
25 individual shall be based upon the pro rata share of
26 the individual's earnings from the partnership,
27 limited liability company, S corporation, estate, or
28 trust. A tax credit shall be allowed only for an
29 endowment gift made to an endow Iowa qualified
30 community foundation for a permanent endowment fund
31 established to benefit a charitable cause in this
32 state. The amount of the endowment gift for which the
33 tax credit is claimed shall not be deductible in
34 determining taxable income for state income tax
35 purposes. Any tax credit in excess of the taxpayer's
36 tax liability for the tax year may be credited to the
37 tax liability for the following five years or until
38 depleted, whichever occurs first. A tax credit shall
39 not be carried back to a tax year prior to the tax
40 year in which the taxpayer claims the tax credit.

41 Sec. 93. Section 15E.305, subsection 2, unnumbered
42 paragraph 1, Code 2009, is amended to read as follows:

43 The aggregate amount of tax credits authorized
44 pursuant to this section shall not exceed a total of
45 ~~two~~ three million dollars plus such additional credit
46 amount as provided by this section annually. The
47 maximum amount of tax credits granted to a taxpayer
48 shall not exceed five percent of the aggregate amount
49 of tax credits authorized.

50 Sec. 94. Section 26.3, subsection 2, Code 2009, is

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1 amended to read as follows:

2 2. A governmental entity shall have an engineer
3 licensed under chapter 542B, a landscape architect
4 licensed under chapter 544B, or an architect
5 registered under chapter 544A prepare plans and
6 specifications, and calculate the estimated total cost
7 of a proposed public improvement. A governmental
8 entity shall ensure that sufficient paper copies of
9 the plans, specifications, and estimated total costs
10 of the proposed public improvement are available for
11 prospective bidders.

12 Sec. 95. Section 26.7, subsection 3, Code 2009, is
13 amended to read as follows:

14 3. On public improvements to be financed wholly or
15 partially by special assessments against benefited
16 property, the governmental entity, in the notice to
17 bidders, may request aggregate bids for all projects
18 included in any resolution of necessity,
19 notwithstanding variations in the sizes of the
20 improvements and notwithstanding that some parts of
21 the improvements are assessable and some
22 nonassessable, and may award the contract to the
23 lowest ~~responsive~~, responsible bidder submitting the
24 lowest aggregate bid.

25 Sec. 96. Section 26.9, Code 2009, is amended to
26 read as follows:

27 26.9 AWARD OF CONTRACT.

28 The contract for the public improvement must be
29 awarded to the lowest ~~responsive~~, responsible bidder.
30 The designation of contractors and subcontractors as a
31 responsible bidder is an independent function and
32 involves an analysis separate from the price of the
33 bid. Factors used to determine a responsible bidder
34 shall include, but shall not be limited to financial
35 responsibility, compliance with applicable laws, and
36 ability and experience in the performance of similar
37 contracts. A public entity may use a prequalification
38 questionnaire as a means for predefining acceptable,
39 responsible bidders. However, contracts relating to
40 public utilities or extensions or improvements
41 thereof, as described in sections 384.80 through
42 384.94, may be awarded by the city as it deems to be
43 in the best interests of the city. This section shall
44 not be construed to prohibit a governmental entity in
45 the award of a contract for a public improvement or a
46 governing body of a city utility from providing, in
47 the award of a contract for a public improvement, an
48 enhancement of payments upon early completion of the
49 public improvement if the availability of the
50 enhancement payments is included in the notice to

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1 bidders, the enhancement payments are competitively
2 neutral to potential bidders, the enhancement payments
3 are considered as a separate item in the public
4 hearing on the award of contract, and the total value
5 of the enhancement payments does not exceed ten
6 percent of the value of the contract.

7 Sec. 97. Section 26.10, subsection 1, Code 2009,
8 is amended to read as follows:

9 1. The date and time that each bid is received by
10 the governmental entity, together with the name of the
11 person receiving the bid, shall be recorded on the
12 envelope containing the bid. All bids received after
13 the deadlines for submission of bids as stated in the
14 project specifications shall not be considered and
15 shall be returned to the late bidder unopened. The
16 governmental entity shall open, announce the amount of
17 the bids, and file all proposals received, at the time
18 and place specified in the notice to bidders. The
19 governmental entity may, by resolution, award the
20 contract for the public improvement to the bidder
21 submitting the lowest ~~responsive~~, responsible bid,
22 determined as provided in section 26.9, or the
23 governmental entity may reject all bids received, fix
24 a new date for receiving bids, and order publication
25 of a new notice to bidders. The governmental entity
26 shall retain the bid security furnished by the
27 successful bidder until the approved contract form has
28 been executed, a bond has been filed by the bidder
29 guaranteeing the performance of the contract, and the
30 contract and bond have been approved by the
31 governmental entity. The provisions of chapter 573,
32 where applicable, apply to contracts awarded under
33 this chapter.

34 Sec. 98. Section 26.14, subsection 3, paragraphs b
35 and c, Code 2009, are amended to read as follows:

36 b. The governmental entity shall designate the
37 time, place, and manner for filing quotations, which
38 may be received by mail, facsimile, or electronic
39 mail. The governmental entity shall award the
40 contract to the contractor submitting the lowest
41 ~~responsive~~, responsible quotation subject to section
42 26.9, or the governmental entity may reject all of the
43 quotations. The unconditional acceptance and approval
44 of the lowest ~~responsive~~, responsible quotation shall
45 constitute the award of a contract. The governmental
46 entity shall record the approved quotation in its
47 meeting minutes. The contractor awarded the contract
48 shall not commence work until the contractor's
49 performance and payment bond has been approved by the
50 governmental entity. A governmental entity may

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1 delegate the authority to award a contract, to execute
2 a contract, to authorize work to proceed under a
3 contract, or to approve the contractor's performance
4 and payment bond to an officer or employee of the
5 governmental entity. A quotation approved outside a
6 meeting of the governing body of a governmental entity
7 shall be included in the minutes of the next regular
8 or special meeting of the governing body.

9 c. If a public improvement may be performed by an
10 employee of the governmental entity, the amount of
11 estimated sales and fuel tax and the premium cost for
12 the performance and payment bond which a contractor
13 identifies in its quotation shall be deducted from the
14 contractor's price for determining the lowest
15 responsible quotation. If no quotations are received
16 to perform the work, or if the governmental entity's
17 estimated cost to do the work with its employee is
18 less than the lowest ~~responsive~~, responsible quotation
19 received, the governmental entity may authorize its
20 employee or employees to perform the work.

21 Sec. 99. Section 35C.1, subsection 1, Code 2009,
22 as amended by 2009 Iowa Acts, [Senate File 186](#), section
23 1, if enacted, is amended by striking the subsection
24 and inserting in lieu thereof the following:

25 1. In every public department and upon all public
26 works in the state, and of the counties, cities, and
27 school corporations of the state, veterans who are
28 citizens and residents of the United States are
29 entitled to preference in appointment and employment
30 over other applicants of no greater qualifications.
31 The preference in appointment and employment for
32 employees of cities under a municipal civil service is
33 the same as provided in section 400.10. For purposes
34 of this section, "veteran" means as defined in section
35 35.1 except that the requirement that the person be a
36 resident of this state shall not apply.

37 Sec. 100. Section 85.61, Code 2009, is amended by
38 adding the following new subsection:
39 NEW SUBSECTION. 7A. "Reasonable or probable cause
40 or excuse" means an excuse supported on the basis of
41 facts determined reasonable by the workers'
42 compensation commissioner and does not mean an excuse
43 supported on the basis of facts fairly debatable as a
44 matter of law as recognized in the common law with
45 respect to a bad-faith tort.

46 Sec. 101. Section 85.71, subsection 1, paragraph
47 a, Code 2009, is amended to read as follows:
48 a. The employer has a place of business in this
49 state and the employee regularly works at or from that
50 place of business, or the employer has a place of

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1 business in this state and the employee is domiciled
2 in this state.
3 Sec. 102. Section 86.13, Code 2009, is amended to
4 read as follows:
5 86.13 COMPENSATION PAYMENTS.
6 1. If an employer or insurance carrier pays weekly
7 compensation benefits to an employee, the employer or
8 insurance carrier shall file with the workers'
9 compensation commissioner in the form and manner
10 required by the workers' compensation commissioner a
11 notice of the commencement of the payments. The
12 payments establish conclusively that the employer and
13 insurance carrier have notice of the injury for which
14 benefits are claimed but the payments do not
15 constitute an admission of liability under this
16 chapter or chapter 85, 85A, or 85B.
17 2. If an employer or insurance carrier fails to
18 file the notice required by this section, the failure
19 stops the running of the time periods in section 85.26
20 as of the date of the first payment. If commenced,
21 the payments shall be terminated only when the
22 employee has returned to work, or upon thirty days'
23 notice stating the reason for the termination and
24 advising the employee of the right to file a claim
25 with the workers' compensation commissioner.
26 3. This section does not prevent the parties from
27 reaching an agreement for settlement regarding
28 compensation. However, the agreement is valid only if
29 signed by all parties and approved by the workers'
30 compensation commissioner.
31 4. a. If a denial, a delay in ~~commencement~~
32 ~~payment~~, or a termination of benefits occurs without
33 reasonable or probable cause or excuse known to the
34 employer or insurance carrier at the time of the
35 denial, delay in payment, or termination of benefits,
36 the workers' compensation commissioner shall award
37 benefits in addition to those benefits payable under
38 this chapter, or chapter 85, 85A, or 85B, up to fifty
39 percent of the amount of benefits that were
40 ~~unreasonably denied, delayed, or denied terminated~~
41 without reasonable or probable cause or excuse.
42 b. The workers' compensation commissioner shall
43 award benefits under this subsection if the
44 commissioner finds both of the following facts:
45 (1) The employee has demonstrated a denial, delay
46 in payment, or termination of benefits.
47 (2) The employer has failed to prove a reasonable
48 or probable cause or excuse for the denial, delay in
49 payment, or termination of benefits.
50 c. In order to be considered a reasonable or

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1 probable cause or excuse under paragraph "b", an
2 excuse shall satisfy all of the following criteria:

3 (1) The excuse was preceded by a reasonable
4 investigation and evaluation by the employer or
5 insurance carrier into whether benefits were owed to
6 the employee.

7 (2) The results of the reasonable investigation
8 and evaluation were the actual basis upon which the
9 employer or insurance carrier contemporaneously relied
10 to deny, delay payment of, or terminate benefits.

11 (3) The employer or insurance carrier
12 contemporaneously conveyed the basis for the denial,
13 delay in payment, or termination of benefits to the
14 employee at the time of the denial, delay, or
15 termination of benefits.

16 Sec. 103. Section 96.40, subsection 2, paragraph
17 i, Code 2009, is amended to read as follows:

18 i. The duration of the shared work plan will not
19 exceed ~~twenty-six~~ fifty-two weeks. An employing unit
20 is eligible for approval of only one plan during a
21 twenty-four-month period.

22 Sec. 104. Section 96.40, subsection 8, Code 2009,
23 is amended to read as follows:

24 8. An individual shall not be entitled to receive
25 shared work benefits and regular unemployment
26 compensation benefits in an aggregate amount which
27 exceeds the maximum total amount of benefits payable
28 to that individual in a benefit year as provided under
29 section 96.3, subsection 5. ~~Notwithstanding any other~~
30 ~~provisions of this chapter, an individual shall not be~~
31 ~~eligible to receive shared work benefits for more than~~
32 ~~twenty-six calendar weeks during the individual's~~
33 ~~benefit year.~~

34 Sec. 105. Section 99B.10, subsection 1, paragraph
35 a, Code 2009, is amended to read as follows:

36 a. A prize of merchandise exceeding ~~five~~ fifty
37 dollars in value shall not be awarded for use of the
38 device. However, a mechanical or amusement device may
39 be designed or adapted to award a prize or one or more
40 free games or portions of games without payment of
41 additional consideration by the participant.

42 Sec. 106. Section 103.1, Code 2009, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. 7A. "Farm" means land, buildings
45 and structures used for agricultural purposes
46 including but not limited to the storage, handling,
47 and drying of grain and the care, feeding, and housing
48 of livestock.

49 Sec. 107. Section 103.22, subsection 2, Code 2009,
50 is amended to read as follows:

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1 2. Require employees of municipal utilities,
2 electric membership or cooperative associations,
3 investor-owned utilities, rural water associations or
4 districts, railroads, telecommunications companies,
5 franchised cable television operators, farms, or
6 commercial or industrial companies performing
7 manufacturing, installation, and repair work for such
8 employer to hold licenses while acting within the
9 scope of their employment. An employee of a farm does
10 not include a person who is employed for the primary
11 purpose of installing a new electrical installation.

12 Sec. 108. Section 103.29, Code 2009, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 7. A county shall not perform
15 electrical inspections on a farm or farm residence.

16 Sec. 109. Section 103.32, Code 2009, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 5. A state electrical inspection
19 fee shall not be assessed for an event benefiting a
20 nonprofit association representing volunteer service
21 providers. An electrical inspection fee shall not be
22 assessed by a political subdivision for an annual
23 event benefiting a nonprofit association representing
24 volunteer service providers.

25 Sec. 110. Section 214A.2, subsection 5, Code 2009,
26 is amended to read as follows:

27 5. Ethanol blended gasoline shall be designated
28 E-xx where "xx" is the volume percent of ethanol in
29 the ethanol blended gasoline and biodiesel fuel shall
30 be designated B-xx where "xx" is the volume percent of
31 biodiesel.

32 Sec. 111. Section 214A.3, subsection 2, paragraph
33 b, subparagraph (2), Code 2009, is amended to read as
34 follows:

35 ~~(2) Biodiesel fuel shall be designated according~~
36 ~~to its classification as provided in section 214A.2.~~

37 A person shall not knowingly falsely advertise
38 biodiesel blended fuel by using an inaccurate
39 designation ~~in violation of this subparagraph as~~
40 provided in section 214A.2.

41 Sec. 112. Section 214A.5, Code 2009, is amended to
42 read as follows:

43 214A.5 SALES SLIP ON DEMAND DOCUMENTATION.

44 1. A wholesale dealer or retail dealer shall, when
45 making a sale of motor fuel, give to a purchaser upon
46 demand a sales slip.

47 2. A wholesale dealer selling ethanol blended
48 gasoline or biodiesel blended fuel to a purchaser
49 shall provide the purchaser with a statement
50 indicating its designation as provided in section

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1 214A.2. The statement may be on the sales slip
2 provided in this section or a similar document,
3 including but not limited to a bill of lading or
4 invoice.

5 Sec. 113. Section 214A.16, subsection 1, Code
6 2009, is amended to read as follows:

7 1. ~~a. If motor fuel containing a renewable fuel~~
8 ethanol blended gasoline is sold from a motor fuel
9 pump, the motor fuel pump shall have affixed a decal
10 identifying the ~~name of the renewable fuel ethanol~~
11 blended gasoline. ~~The decal shall be different based~~
12 ~~on the type of renewable fuel dispensed.~~ If the motor
13 fuel pump dispenses ethanol blended gasoline
14 classified as higher than standard ethanol blended
15 gasoline pursuant to section 214A.2, the decal shall
16 contain the following notice: "FOR FLEXIBLE FUEL
17 VEHICLES ONLY".

18 ~~b. If biodiesel fuel is sold from a motor fuel~~
19 pump, the motor fuel pump shall have affixed a decal
20 identifying the biodiesel fuel as provided in 16
21 C.F.R. pt. 306.

22 Sec. 114. Section 321.105A, subsection 2,
23 paragraph c, subparagraph (25), unnumbered paragraph
24 1, Code 2009, is amended to read as follows:

25 Vehicles subject to registration under this chapter
26 with a gross vehicle weight rating of less than
27 sixteen thousand pounds, ~~excluding motorcycles and~~
28 ~~motorized bicycles,~~ when purchased for lease and
29 titled by the lessor licensed pursuant to chapter 321F
30 and actually leased for a period of twelve months or
31 more if the lease of the vehicle is subject to the fee
32 for new registration under subsection 3.

33 Sec. 115. Section 321.105A, subsection 3,
34 paragraph a, Code 2009, is amended to read as follows:

35 a. A fee for new registration is imposed in an
36 amount equal to five percent of the leased price for
37 each vehicle subject to registration with a gross
38 vehicle weight rating of less than sixteen thousand
39 pounds, ~~excluding motorcycles and motorized bicycles,~~
40 which is leased by a lessor licensed pursuant to
41 chapter 321F for a period of twelve months or more.
42 The fee for new registration shall be paid by the
43 owner of the vehicle to the county treasurer from whom
44 the registration receipt or certificate of title is
45 obtained. A registration receipt for a vehicle
46 subject to registration or issuance of a certificate
47 of title shall not be issued until the fee for new
48 registration is paid in the initial instance.

49 Sec. 116. Section 321.105A, subsection 5,
50 paragraph a, Code 2009, is amended by striking the

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1 paragraph.

2 Sec. 117. Section 3211.10, subsection 2, Code
3 2009, is amended to read as follows:

4 2. A registered all-terrain vehicle may be
5 operated on the roadways of that portion of county
6 highways designated by the county board of supervisors
7 for such use during a specified period. The county
8 board of supervisors shall evaluate the traffic
9 conditions on all county highways and designate
10 roadways on which all-terrain vehicles may be operated
11 for the specified period without unduly interfering
12 with or constituting an undue hazard to conventional
13 motor vehicle traffic. ~~Signs warning of the operation
14 of all terrain vehicles on the roadway shall be placed
15 and maintained on the portions of highway thus
16 designated during the period specified for the
17 operation.~~

18 Sec. 118. Section 331.325, subsection 1, Code
19 2009, is amended to read as follows:

20 1. As used in this section, "pioneer cemetery"
21 means a cemetery where there have been ~~six~~ twelve or
22 fewer burials in the preceding fifty years.

23 Sec. 119. Section 331.907, subsection 2, Code
24 2009, is amended to read as follows:

25 2. At the public hearing held on the county budget
26 as provided in section 331.434, the county
27 compensation board shall submit its recommended
28 compensation schedule for the next fiscal year to the
29 board of supervisors for inclusion in the county
30 budget. The board of supervisors shall review the
31 recommended compensation schedule for the elected
32 county officers and determine the final compensation
33 schedule which shall not exceed the compensation
34 schedule recommended by the county compensation board.
35 In determining the final compensation schedule if the
36 board of supervisors wishes to reduce the amount of
37 the recommended compensation schedule, the amount of
38 salary increase proposed for each elected county
39 officer, except as provided in subsection 2A, shall be
40 reduced an equal percentage. A copy of the final
41 compensation schedule shall be filed with the county
42 budget at the office of the director of the department
43 of management. The final compensation schedule takes
44 effect on July 1 following its adoption by the board
45 of supervisors.

46 Sec. 120. Section 331.907, Code 2009, is amended
47 by adding the following new subsection:
48 NEW SUBSECTION. 2A. The board of supervisors may
49 adopt a decrease in compensation paid to supervisors
50 irrespective of the county compensation board's

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1 recommended compensation schedule or other approved
2 changes in compensation paid to other elected county
3 officers. A decrease in compensation paid to
4 supervisors shall be adopted by the board of
5 supervisors no less than thirty days before the county
6 budget is certified under section 24.17.

7 Sec. 121. Section 400.10, Code 2009, as amended by
8 2009 Iowa Acts, [Senate File 186](#), section 2, if
9 enacted, is amended by striking the section and
10 inserting in lieu thereof the following:

11 400.10 PREFERENCES.

12 In all examinations and appointments under this
13 chapter, other than promotions and appointments of
14 chief of the police department and chief of the fire
15 department, veterans who are citizens and residents of
16 the United States, shall have five percentage points
17 added to the veteran's grade or score attained in
18 qualifying examinations for appointment to positions
19 and five additional percentage points added to the
20 grade or score if the veteran has a service-connected
21 disability or is receiving compensation, disability
22 benefits or pension under laws administered by the
23 veterans administration. An honorably discharged
24 veteran who has been awarded the Purple Heart incurred
25 in action shall be considered to have a
26 service-connected disability. However, the percentage
27 points shall be given only upon passing the exam and
28 shall not be the determining factor in passing.
29 Veteran's preference percentage points shall be
30 applied once to the final scores used to rank
31 applicants for selection for an interview. For
32 purposes of this section, "veteran" means as defined
33 in section 35.1 except that the requirement that the
34 person be a resident of this state shall not apply.

35 Sec. 122. Section 412.2, subsection 1, Code 2009,
36 is amended to read as follows:

37 1. From the proceeds of the assessments on the
38 wages and salaries of employees, of any such
39 waterworks system, or other municipally owned and
40 operated public utility, eligible to receive the
41 benefits thereof. Notwithstanding any provisions of
42 section 20.9 to the contrary, a council, board of
43 waterworks, or other board or commission which
44 establishes a pension and annuity retirement system
45 pursuant to this chapter, shall negotiate in good
46 faith with a certified employee organization as
47 defined in section 20.3, which is the collective
48 bargaining representative of the employees, with
49 respect to the amount or rate of the assessment on the
50 wages and salaries of employees and the method or

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1 methods for payment of the assessment by the
2 employees.

3 Sec. 123. Section 412.3, Code 2009, is amended to
4 read as follows:

5 412.3 RULES.

6 The council, board of waterworks trustees, or other
7 board or commission, whichever is authorized by law to
8 manage and operate such waterworks, or other
9 municipally owned and operated public utility, may
10 formulate and establish such pension and annuity
11 retirement system, and may make and establish such
12 rules for the operation thereof as may be deemed
13 necessary or appropriate, subject to the provision of
14 section 412.2, subsection 1.

15 Sec. 124. Section 422.10, subsection 3, unnumbered
16 paragraph 2, Code 2009, is amended to read as follows:

17 For purposes of this section, "Internal Revenue
18 Code" means the Internal Revenue Code in effect on
19 January 1, ~~2008~~ 2009.

20 Sec. 125. Section 422.10, Code 2009, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 6. Notwithstanding any provision
23 to the contrary, the amount of tax credit claimed
24 under this section and the identity of the taxpayer
25 making the claim shall be a public record. The
26 department shall issue a quarterly report containing
27 the name of each taxpayer claiming the credit, the
28 dollar amount of the claim, and the portion of the
29 claim issued as a refund to the taxpayer, for each
30 claim processed during the previous calendar quarter,
31 beginning with claims filed on or after July 1, 2009.

32 Sec. 126. Section 422.13, subsection 5, Code 2009,
33 is amended to read as follows:

34 5. a. Notwithstanding subsections 1 through 4 and
35 sections 422.15 and 422.36, a partnership, a limited
36 liability company whose members are taxed on the
37 company's income under provisions of the Internal
38 Revenue Code, trust, or corporation whose stockholders
39 are taxed on the corporation's income under the
40 provisions of the Internal Revenue Code may, not later
41 than the due date for filing its return for the
42 taxable year, including any extension thereof, elect
43 to file a composite return for the nonresident
44 partners, members, beneficiaries, or shareholders.
45 Nonresident trusts or estates which are partners,
46 members, beneficiaries, or shareholders in
47 partnerships, limited liability companies, trusts, or
48 S corporations may also be included on a composite
49 return. The director may require that a composite
50 return be filed under the conditions deemed

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1 appropriate by the director. A partnership, limited
2 liability company, trust, or corporation filing a
3 composite return is liable for tax required to be
4 shown due on the return.

5 b. Notwithstanding subsection 1 through 4 and
6 sections 422.15 and 422.36, if the director determines
7 that it is necessary for the efficient administration
8 of this chapter, the director may require that a
9 composite return be filed for nonresidents other than
10 nonresident partners, members, beneficiaries or
11 shareholders in partnerships, limited liability
12 companies, trusts, or S corporations.

13 c. All powers of the director and requirements of
14 the director apply to returns filed under this
15 subsection including, but not limited to, the
16 provisions of this division and division VI of this
17 chapter.

18 Sec. 127. Section 422.33, subsection 5, paragraph
19 d, unnumbered paragraph 2, Code 2009, is amended to
20 read as follows:

21 For purposes of this subsection, "Internal Revenue
22 Code" means the Internal Revenue Code in effect on
23 January 1, ~~2008~~ 2009.

24 Sec. 128. Section 422.33, subsection 5, Code 2009,
25 is amended by adding the following new paragraph:

26 NEW PARAGRAPH. h. Notwithstanding any provision
27 to the contrary, the amount of tax credit claimed
28 under this subsection and the identity of the taxpayer
29 making the claim shall be a public record. The
30 department shall issue a quarterly report containing
31 the name of each taxpayer claiming the credit, the
32 dollar amount of the claim, and the portion of the
33 claim issued as a refund to the taxpayer, for each
34 claim processed during the previous calendar quarter,
35 beginning with claims filed on or after July 1, 2009.

36 Sec. 129. Section 422.33, subsection 9, Code 2009,
37 is amended by striking the subsection.

38 Sec. 130. Section 422.88, subsections 2 and 3,
39 Code 2009, are amended to read as follows:

40 2. The amount of the underpayment shall be the
41 excess of the amount of the installment which would be
42 required to be paid if the estimated tax was equal to
43 ~~ninety one hundred~~ percent of the tax shown on the
44 return of the taxpayer for the taxable year over the
45 amount of installments paid on or before the date
46 prescribed for payment.

47 3. If the taxpayer did not file a return during
48 the taxable year, the amount of the underpayment shall
49 be equal to ~~ninety one hundred~~ percent of the
50 taxpayer's tax liability for the taxable year over the

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1 amount of installments paid on or before the date
2 prescribed for payment.

3 Sec. 131. Section 423.3, subsection 39, Code 2009,
4 is amended to read as follows:

5 39. The sales price from "casual sales".

6 a. "Casual sales" means:

7 ~~a.~~ (1) Sales of tangible personal property, or the
8 furnishing of services, of a nonrecurring nature, by
9 the owner, if the seller, at the time of the sale, is
10 not engaged for profit in the business of selling
11 tangible personal property or services taxed under
12 section 423.2.

13 ~~b.~~ (2) The sale of all or substantially all of the
14 tangible personal property or services held or used by
15 a seller in the course of the seller's trade or
16 business for which the seller is required to hold a
17 sales tax permit when the seller sells or otherwise
18 transfers the trade or business to another person who
19 shall engage in a similar trade or business.

20 ~~c.~~ (3) Notwithstanding ~~paragraph "a"~~ subparagra ph
21 (1), the sale, furnishing, or performance of a service
22 that is of a recurring nature by the owner if, at the
23 time of the sale, all of the following apply:

24 ~~(1)~~ (a) The seller is not engaged for profit in
25 the business of the selling, furnishing, or
26 performance of services taxed under section 423.2.
27 For purposes of this subparagraph, the fact of the
28 recurring nature of selling, furnishing, or
29 performance of services does not constitute by itself
30 engaging for profit in the business of selling,
31 furnishing, or performance of services.

32 ~~(2)~~ (b) The owner of the business is the only
33 person performing the service.

34 ~~(3)~~ (c) The owner of the business is a full-time
35 student.

36 ~~(4)~~ (d) The total gross receipts from the sales,
37 furnishing, or performance of services during the
38 calendar year does not exceed five thousand dollars.

39 b. The exemption under this subsection does not
40 apply to vehicles subject to registration, all-terrain
41 vehicles, snowmobiles, off-road motorcycles, off-road
42 utility vehicles, aircraft, or commercial or pleasure
43 watercraft or water vessels.

44 Sec. 132. Section 423A.5, subsection 1, paragraph
45 c, Code 2009, is amended by striking the paragraph.

46 Sec. 133. Section 423A.5, subsection 2, paragraph
47 c, Code 2009, is amended by striking the paragraph.

48 Sec. 134. Section 452A.12, subsection 2, Code
49 2009, is amended to read as follows:

50 2. A person while transporting motor fuel or

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1 undyed special fuel from a refinery or marine or
2 pipeline terminal in this state or from a point
3 outside this state over the highways of this state in
4 service other than that under subsection 1 shall carry
5 in the vehicle a loading invoice showing the name and
6 address of the seller or consignor, the date and place
7 of loading, and the kind and quantity of motor fuel or
8 special fuel loaded, together with invoices showing
9 the kind and quantity of each delivery and the name
10 and address of each purchaser or consignee. An
11 invoice carried pursuant to this subsection for
12 ethanol blended gasoline or biodiesel blended fuel
13 shall state its designation as provided in section
14 214A.2.

15 Sec. 135. Section 452A.74A, subsections 1, 2, and
16 5, Code 2009, are amended to read as follows:

17 1. ILLEGAL USE OF DYED FUEL. The illegal use of
18 dyed fuel in the supply tank of a motor vehicle shall
19 result in a civil penalty assessed against the owner
20 or operator of the motor vehicle as follows:

21 a. A ~~two five~~ hundred dollar ~~fine penalty~~ for the
22 first violation.

23 b. A ~~five hundred one thousand~~ dollar ~~fine pena lty~~
24 for a second violation within three years of the first
25 violation.

26 c. A ~~one two~~ thousand dollar ~~fine penalty~~ for
27 third and subsequent violations within three years of
28 the first violation.

29 2. ILLEGAL IMPORTATION OF UNTAXED FUEL. A person
30 who imports motor fuel or undyed special fuel without
31 a valid importer's license or supplier's license shall
32 be assessed a civil penalty as provided in this
33 subsection. However, the owner or operator of the
34 importing vehicle shall not be guilty of violating
35 this subsection if it is shown by the owner or
36 operator that the owner or operator reasonably did not
37 know or reasonably should not have known of the
38 illegal importation.

39 a. For a first violation, the importing vehicle
40 shall be detained and a ~~fine penalty~~ of ~~two four~~
41 thousand dollars shall be paid before the vehicle will
42 be released. The owner or operator of the importing
43 vehicle or the owner of the fuel may be held liable
44 for payment of the ~~fine penalty~~.

45 b. For a second violation, the importing vehicle
46 shall be detained and a ~~fine penalty~~ of ~~five ten~~
47 thousand dollars shall be paid before the vehicle will
48 be released. The owner or operator of the importing
49 vehicle or the owner of the fuel may be held liable to
50 pay the ~~fine penalty~~.

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1 c. For third and subsequent violations, the
2 importing vehicle and the fuel shall be seized and a
3 ~~fine penalty~~ of ~~ten~~ twenty thousand dollars shall be
4 paid before the vehicle will be released. The owner
5 or operator of the importing vehicle or the owner of
6 the fuel may be held liable to pay the ~~fine penalty~~.

7 d. If the owner or operator of the importing
8 vehicle or the owner of the fuel fails to pay the tax
9 and ~~fine penalty~~ for a first or second offense, the
10 importing vehicle and the fuel may be seized. The
11 department of revenue, the state department of
12 transportation, or any peace officer, at the request
13 of either department, may seize the vehicle and the
14 fuel.

15 e. If the operator or owner of the importing
16 vehicle or the owner of the fuel ~~move~~ moves the
17 vehicle or the fuel after the vehicle has been
18 detained and a sticker has been placed on the vehicle
19 stating that "This vehicle cannot be moved until the
20 tax, penalty, and interest have been paid to the
21 Department of Revenue", an additional penalty of ~~five~~
22 ten thousand dollars shall be assessed against the
23 operator or owner of the importing vehicle or the
24 owner of the fuel.

25 f. For purposes of this subsection, "vehicle"
26 means as defined in section 321.1.

27 5. PREVENTION OF INSPECTION. The department of
28 revenue or the state department of transportation may
29 conduct inspections for coloration, markers, and
30 shipping papers at any place where taxable fuel is or
31 may be loaded into transport vehicles, produced, or
32 stored. Any attempts by a person to prevent, stop, or
33 delay an inspection of fuel or shipping papers by
34 authorized personnel shall be subject to a civil
35 penalty of not more than ~~one~~ two thousand dollars per
36 occurrence. Any law enforcement officer or department
37 of revenue or state department of transportation
38 employee may physically inspect, examine, or otherwise
39 search any tank, reservoir, or other container that
40 can or may be used for the production, storage, or
41 transportation of any type of fuel.

42 Sec. 136. Section 466A.4, subsection 1, Code 2009,
43 is amended to read as follows:

44 1. Public water supply utilities, counties, county
45 conservation boards, and cities may also be eligible
46 and apply for and receive local watershed improvement
47 grants for water quality improvement projects. An
48 applicant shall coordinate with a local watershed
49 improvement committee or a soil and water conservation
50 district and shall include in the application a

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1 description of existing projects and any potential
2 impact the proposed project may have on existing or
3 planned water quality improvement projects.
4 Sec. 137. NEW SECTION. 476B.6A ALTERNATIVE TAX
5 CREDIT QUALIFICATION – PILOT PROJECT.
6 Notwithstanding any other provision of this chapter
7 to the contrary, the board shall establish a pilot
8 project which will allow for a wind energy production
9 tax credit of one and one-half cents multiplied by the
10 number of kilowatt-hours of qualified electricity sold
11 or used for on-site consumption by up to two qualified
12 facilities selected for participation in the project.
13 To be eligible for the project, a qualified facility
14 shall meet all eligibility requirements otherwise
15 applicable pursuant to this chapter, and in addition
16 shall be located in a county in this state with a
17 population of between forty-four thousand one hundred
18 fifty and forty-four thousand five hundred based on
19 the 2006 census, and with a combined nameplate
20 generating capacity of at least one megawatt per
21 applicant. For purposes of the pilot project, the two
22 megawatt minimum requirement for qualification
23 pursuant to section 476B.1, subsection 4, paragraph
24 "d", shall not be applicable. The board shall reduce
25 the remaining credits available under this chapter by
26 a dollar amount equal to the amount of credits awarded
27 pursuant to the project.
28 Sec. 138. Section 523I.102, subsection 39, Code
29 2009, is amended to read as follows:
30 39. "Pioneer cemetery" means a cemetery where
31 there were ~~six~~ twelve or fewer burials in the
32 preceding fifty years.
33 Sec. 139. Section 523I.316, Code 2009, is amended
34 by adding the following new subsection:
35 NEW SUBSECTION. 7. ADVERSE POSSESSION. A
36 cemetery or a pioneer cemetery is exempt from seizure,
37 appropriation, or acquisition of title under any claim
38 of adverse possession, unless it is shown that all
39 remains in the cemetery or pioneer cemetery have been
40 disinterred and removed to another location.
41 Sec. 140. Section 602.6404, subsection 3, Code
42 2009, is amended by striking the subsection and
43 inserting in lieu thereof the following:
44 3. A magistrate shall be an attorney licensed to
45 practice law in this state. However, a magistrate not
46 admitted to the practice of law in this state and who
47 is holding office on April 1, 2009, shall be eligible
48 to be reappointed as a magistrate in the same county
49 for a term commencing August 1, 2009, and subsequent
50 successive terms.

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1 Sec. 141. EFFECTIVE DATE. Section 483A.1,
2 subsection 2, paragraph "ee", as enacted by 2009 Iowa
3 Acts, [House File 722](#), section 33, if enacted, and
4 section 483A.7, subsection 3, as amended by 2009 Iowa
5 Acts, [House File 722](#), section 37, if enacted, and this
6 section, being deemed of immediate importance, take
7 effect immediately upon enactment of this Act.

8 Sec. 142. 2009 Iowa Acts, [Senate File 415](#), section
9 1, if enacted, is amended by striking the section and
10 inserting in lieu thereof the following:

11 SECTION 1. PROPERTY RIGHTS DEFENSE ACCOUNT.

12 1. A city may establish a property rights defense
13 account within the city's general fund. If a property
14 rights defense account is established under this
15 section, moneys which remain unclaimed under section
16 2, subsection 11, paragraph "d", of this Act, may be
17 deposited in the account. Interest or earnings on
18 moneys in the property rights defense account shall be
19 credited to the account. Moneys in the property
20 rights defense account are not subject to transfer,
21 appropriation, or reversion to any other account or
22 fund, or any other use except as provided in this
23 section.

24 2. Moneys in the account shall be used for the
25 reimbursement of reasonable attorney fees and
26 reasonable costs incurred by a property owner as the
27 result of proceedings initiated under this Act,
28 chapters 6A and 6B, and section 657A.10A.

29 3. Property owners shall apply to the city council
30 on a form prescribed by the city council. If
31 sufficient funds exist in the account, the city
32 council shall reimburse each property owner who
33 applies for all reasonable attorney fees and
34 reasonable costs incurred. If insufficient funds
35 exist in the account to reimburse a property owner for
36 all reasonable attorney fees and reasonable costs
37 incurred, the city council shall reimburse the
38 property owner for the fees and costs in an amount
39 equal to the remaining balance in account.

40 Sec. 143. 2007 Iowa Acts, chapter 186, section 29,
41 is amended to read as follows:

42 SEC. 29. REFUND OF PROPERTY TAXES.

43 Notwithstanding the deadline for filing a claim for
44 property tax exemption for property described in
45 section 427.1, subsection 8 or 9, and notwithstanding
46 any other provision to the contrary, the board of
47 supervisors of a county having a population based upon
48 the latest federal decennial census of more than
49 eighty-eight thousand but not more than ninety-five
50 thousand shall refund the property taxes paid, with

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1 all interest, penalties, fees, and costs which were
2 due and payable in the fiscal year beginning July 1,
3 2002, and in the fiscal year beginning July 1, ~~2005~~
4 2006, on the land and buildings of an institution that
5 purchased property and that did not receive a property
6 tax exemption for the property due to the inability or
7 failure to file for the exemption. To receive the
8 refund provided for in this section, the institution
9 shall apply to the county board of supervisors by
10 October 1, ~~2007~~ 2009, and provide appropriate
11 information establishing that the land and buildings
12 for which the refund is sought were used by the
13 institution for its appropriate objectives during the
14 fiscal year beginning July 1, 2002, and during the
15 fiscal year beginning July 1, ~~2005~~ 2006. The refund
16 allowed under this section only applies to property
17 taxes, with all interest, penalties, fees, and costs,
18 due and payable in the fiscal year beginning July 1,
19 2002, and in the fiscal year beginning July 1, ~~2005~~
20 2006.

21 Sec. 144. 2007 Iowa Acts, chapter 186, section 30,
22 is amended to read as follows:

23 SEC. 30. IMMEDIATE EFFECTIVE DATE. ~~The section~~
24 Section 29 of this division of this Act, ~~amending~~
25 ~~section 427-3~~, being deemed of immediate importance,
26 takes effect upon enactment and applies retroactively
27 to property taxes due and payable in the fiscal year
28 beginning July 1, 2002, and in the fiscal year
29 beginning July 1, ~~2005~~ 2006.

30 Sec. 145. Section 422.11E, Code 2009, is repealed.

31 Sec. 146. Sections 422.120 through 422.122, Code
32 2009, are repealed.

33 Sec. 147. EFFECTIVE AND RETROACTIVE APPLICABILITY
34 DATES.

35 1. The section of this division of this Act
36 concerning the county land record information system,
37 being deemed of immediate importance, takes effect
38 upon enactment.

39 2. The section of this division of this Act
40 amending 2009 Iowa Acts, [Senate File 415](#), being deemed
41 of immediate importance, takes effect upon enactment.

42 3. The section of this division of this Act
43 repealing sections 422.120 through 422.122, being
44 deemed of immediate importance, takes effect upon
45 enactment and applies retroactively to November 1,
46 2008, for refund claims filed on or after that date.

47 4. The section of this division of this Act
48 relating to property tax exemption filings for
49 disaster-impacted property, being deemed of immediate
50 importance, takes effect upon enactment.

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1 5. The section of this division of this Act
2 amending section 15E.305, takes effect January 1,
3 2010, and applies to the tax years beginning on or
4 after that date.

5 6. The section of this division of this Act
6 amending section 422.88, subsections 2 and 3, applies
7 retroactively to January 1, 2009, for tax years
8 beginning on or after that date.

9 7. The sections of this division of this Act
10 amending 2007 Iowa Acts, chapter 186, sections 29 and
11 30, being deemed of immediate importance, take effect
12 upon enactment.

13 8. The sections of this division of this Act
14 amending section 15.335, subsection 4, paragraph "b",
15 section 15A.9, subsection 8, paragraph "e",
16 subparagraph (2), section 422.10, subsection 3,
17 unnumbered paragraph 2, section 422.33, subsection 5,
18 paragraph "d", unnumbered paragraph 2, being deemed of
19 immediate importance, take effect upon enactment and
20 apply retroactively to January 1, 2008, for tax years
21 beginning on or after that date.

22 DIVISION IX
23 EDUCATION

24 Sec. 148. REGENTS – APPROPRIATIONS. There is
25 appropriated from the general fund of the state to the
26 state board of regents for the fiscal year beginning
27 July 1, 2009, and ending June 30, 2010, the following
28 amounts, or so much thereof as may be necessary, to be
29 used for the purposes designated:

30 1. STATE SCHOOL FOR THE DEAF	
31 For salaries, support, maintenance, miscellaneous	
32 purposes:	
33	\$ 398,980
34 2. IOWA BRAILLE AND SIGHT SAVING SCHOOL	
35 For salaries, support, maintenance, miscellaneous	
36 purposes:	
37	\$ 624,582

38 Sec. 149. DEPARTMENT OF EDUCATION –
39 APPROPRIATION. There is appropriated from the general
40 fund of the state to the department of education for
41 the fiscal year beginning July 1, 2009, and ending
42 June 30, 2010, the following amount, or so much
43 thereof as may be necessary, to be used for general
44 administration:
45

46 Sec. 150. EDUCATIONAL EXCELLENCE PROGRAM-RELATED
47 APPROPRIATIONS. There is appropriated from the
48 general fund of the state to the indicated departments
49 and agencies for the fiscal year beginning July 1,
50 2009, and ending June 30, 2010, the following amounts,

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1 or so much thereof as is necessary, to be used for the
2 purposes designated:

3 1. To the department of human services for
4 distribution to its licensed classroom teachers at
5 institutions under the control of the department of
6 human services based upon the average student yearly
7 enrollment at each institution as determined by the
8 department of human services:
9 \$ 115,50

10 2. To the state board of regents:

11 a. For distribution to licensed classroom teachers
12 at the Iowa braille and sight saving school and the
13 Iowa school for the deaf based upon the average yearly
14 enrollment at each school as determined by the state
15 board of regents:
16 \$ 94,600

17 b. For the Iowa braille and sight saving school:
18 \$ 68,000

19 c. For the state school for the deaf:
20 \$ 102,000

21 3. To the department of education:

22 a. For distribution to the tribal council of the
23 Sac and Fox Indian settlement located on land held in
24 trust by the secretary of the interior of the United
25 States. Moneys allocated under this lettered
26 paragraph shall be used for the purposes specified in
27 section 256.30:
28 \$ 100,000

29 b. For the kindergarten to grade twelve management
30 information system:
31 \$ 230,000

32 Sec. 151. INTERPRETERS FOR THE DEAF. There is
33 appropriated from the general fund of the state to the
34 department of education for the fiscal year beginning
35 July 1, 2009, and ending June 30, 2010, the following
36 amount, or so much thereof as is necessary, to be used
37 for the purpose designated:

38 For allocation for deaf interpreters for
39 arrangements made between the state school for the
40 deaf and Iowa western community college due to the
41 high numbers of articulation agreements between the
42 state school for the deaf and the community college:
43 \$ 200,000

44 Sec. 152. CENTER FOR INDEPENDENT LIVING. There is
45 appropriated from the general fund of the state to the
46 department of education, vocational rehabilitation
47 services division, for the fiscal year beginning July
48 1, 2009, and ending June 30, 2010, the following
49 amount, or so much thereof as is necessary, to be used
50 for the purposes designated:

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1 For costs associated with centers for independent
 2 living:
 3 \$ 50,000

4 Sec. 153. 2006 Iowa Acts, chapter 1182, section 1,
 5 unnumbered paragraph 2, as amended by 2007 Iowa Acts,
 6 chapter 108, section 59, is amended to read as
 7 follows:

8 For purposes, as provided in law, of the student
 9 achievement and teacher quality program established
 10 pursuant to chapter 284:
 11 FY 2006-2007 \$104,343,894
 12 FY 2007-2008 \$173,943,894
 13 FY 2008-2009 ~~\$248,043,894~~
 14 249,502,894

15 Sec. 154. Section 273.3, Code 2009, is amended by
 16 adding the following new subsection:
 17 NEW SUBSECTION. 23. By October 1 of each year,
 18 submit to the department of education the following
 19 information:

20 a. The contracted salary including bonus wages and
 21 benefits, annuity payments, or any other benefit for
 22 the administrators of the area education agency.

23 b. The contracted salary and benefits and any
 24 other expenses related to support for governmental
 25 affairs efforts, including expenditures for lobbyists
 26 and lobbying activities for the area education agency.

27 Sec. 155. DES MOINES UNIVERSITY – OSTEOPATHIC
 28 MEDICAL CENTER. For the fiscal year beginning July 1,
 29 2009, and ending June 30, 2010, the college student
 30 aid commission shall pay a fee to Des Moines
 31 university – osteopathic medical center for the
 32 administration of the initiative in primary health
 33 care to direct primary care physicians to shortage
 34 areas in the state. A portion of the fee paid shall
 35 be based upon the number of physicians recruited in
 36 accordance with section 261.19, subsection 4.
 37 However, the fee amount paid shall not exceed \$41,862
 38 for the fiscal year. Such amount shall be subject to
 39 any budgetary reductions ordered by the governor or
 40 enacted by the general assembly.

41 Sec. 156. EFFECTIVE DATE. The section of this
 42 division of this Act amending 2006 Iowa Acts, chapter
 43 1182, being deemed of immediate importance, takes
 44 effect upon enactment.

45 DIVISION X

46 JUDICIAL BRANCH – COMMISSION ELECTIONS

47 Sec. 157. Section 46.5, unnumbered paragraph 5,
 48 Code 2009, is amended to read as follows:

49 When a vacancy in an office of an elective judicial
 50 nominating commissioner occurs, the ~~clerk of the~~

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1 ~~supreme court~~ state court administrator shall cause t
2 be mailed to each member of the bar whose name appears
3 on the certified list prepared pursuant to section
4 46.8 for the district or districts affected, a notice
5 stating the existence of the vacancy, the requirements
6 for eligibility, and the manner in which the vacancy
7 will be filled. Other items may be included in the
8 same mailing if they are on sheets separate from the
9 notice. The election of a district judicial
10 nominating commissioner or the close of nominations
11 for a state judicial nominating commissioner shall not
12 occur until thirty days after the mailing of the
13 notice.

14 Sec. 158. Section 46.7, Code 2009, is amended to
15 read as follows:

16 46.7 ELIGIBILITY TO VOTE.

17 To be eligible to vote in elections of judicial
18 nominating commissioners, a member of the bar must be
19 eligible to practice and must be a resident of the
20 state of Iowa and of the appropriate congressional
21 district or judicial election district as shown by the
22 member's most recent filing with the supreme court for
23 the purposes of showing compliance with the court's
24 continuing legal education requirements, or for
25 members of the bar eligible to practice who are not
26 required to file such compliance, any paper on file by
27 July 1 with the ~~clerk of the supreme court~~ state court
28 administrator, for the purpose of establishing
29 eligibility to vote under this section, which the
30 court determines to show the requisite residency
31 requirements. A judge who has been admitted to the
32 bar of the state of Iowa shall be considered a member
33 of the bar.

34 Sec. 159. Section 46.8, Code 2009, is amended to
35 read as follows:

36 46.8 CERTIFIED LIST.

37 ~~On July 15 of each~~ Each year the ~~clerk of the~~
38 ~~supreme court~~ state court administrator shall certify
39 a list of the names, addresses, and years of admission
40 of members of the bar who are eligible to vote for
41 state and district judicial nominating commissioners.
42 ~~The clerk of the supreme court shall provide a copy of~~
43 ~~the list of the members for a county to the clerk of~~
44 ~~the district court for that county.~~

45 Sec. 160. Section 46.9, Code 2009, is amended by
46 striking the section and inserting in lieu thereof the
47 following:

48 46.9 CONDUCT OF ELECTIONS.

49 When an election of judicial nominating
50 commissioners is to be held, the state court

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1 administrator shall administer the voting. The state
2 court administrator may administer the voting by
3 electronic notification and voting or by paper ballot
4 mailed to each eligible attorney. The state court
5 administrator shall mail paper ballots to eligible
6 attorneys or electronically notify and enable eligible
7 attorneys to vote. The elector receiving the most
8 votes shall be elected. When more than one
9 commissioner is to be elected, the electors receiving
10 the most votes shall be elected, in the same number as
11 the offices to be filled.

12 Sec. 161. Section 46.9A, Code 2009, is amended to
13 read as follows:

14 46.9A NOTICE PRECEDING NOMINATION OF ELECTIVE
15 NOMINATING COMMISSIONERS.

16 At least sixty days prior to the expiration of the
17 term of an elective state or district judicial
18 nominating commissioner, the ~~clerk of the supreme~~
19 ~~court state court administrator~~ shall ~~cause to be~~
20 ~~mailed to each member of the bar whose name appears on~~
21 ~~the certified list prepared pursuant to section 46.8~~
22 ~~for the district or districts affected, a notice~~
23 ~~stating the date the term of office will expire, the~~
24 ~~requirements for eligibility to the office for the~~
25 ~~succeeding term, and the procedure for filing~~
26 ~~nominating petitions, including the last date for~~
27 ~~filing mail paper ballots to eligible attorneys or~~
28 ~~electronically notify and enable eligible attorneys to~~
29 ~~vote. An eligible attorney is a member of the bar~~
30 ~~whose name appears on the certified list prepared~~
31 ~~pursuant to section 46.8 for the district or districts~~
32 ~~affected. Other items may be included in the same~~
33 ~~mailing if they are on sheets separate from the~~
34 ~~notice.~~

35 Sec. 162. Section 46.10, Code 2009, is amended to
36 read as follows:

37 46.10 NOMINATION OF ELECTIVE NOMINATING
38 COMMISSIONERS.

39 In order to have an eligible elector's name printed
40 on the ballot for state or district judicial
41 nominating commissioner, the eligible elector must
42 file in the office of the ~~clerk of the supreme court~~
43 ~~state court administrator~~ at least thirty days prior
44 to expiration of the period within which the election
45 must be held a nominating petition signed by at least
46 fifty resident members of the bar of the congressional
47 district in case of a candidate for state judicial
48 nominating commissioner, or at least ten resident
49 members of the bar of the judicial district in case of
50 a candidate for district judicial nominating

Page 50

1 commissioner. No member of the bar may sign more
2 nominating petitions for state or district judicial
3 nominating commissioner than there are such
4 commissioners to be elected.

5 Ballots or electronic voting forms for state and
6 district judicial nominating commissioners shall
7 contain blank lines equal to the number of such
8 commissioners to be elected, where names may be
9 written in.

10 Sec. 163. Section 46.11, Code 2009, is amended to
11 read as follows:

12 46.11 CERTIFICATION OF COMMISSIONERS.

13 The governor and the ~~clerk of the supreme court~~
14 state court administrator respectively shall promptly
15 certify the names and addresses of appointive and
16 elective judicial nominating commissioners to the
17 state commissioner of elections and the chairperson of
18 the respective nominating commissions.

19 Sec. 164. Section 602.6501, subsections 2 and 3,
20 Code 2009, are amended to read as follows:

21 2. The ~~clerk of the district court~~ state court
22 administrator shall maintain a permanent record of the
23 name, address, and term of office of each
24 commissioner.

25 3. A member of a magistrate appointing commission
26 shall be reimbursed for actual and necessary expenses
27 reasonably incurred in the performance of official
28 duties. Reimbursements are payable by the county in
29 which the member serves, upon certification of the
30 expenses to the county auditor by the ~~clerk of the~~
31 ~~district court chairperson of the commission~~. The
32 district judges of each judicial district may
33 prescribe rules for the administration of this
34 subsection.

35 Sec. 165. Section 602.6503, subsection 3, Code
36 2009, is amended to read as follows:

37 3. The county auditor shall certify to the ~~clerk~~
38 ~~of the district court~~ state court administrator the
39 name, address, and expiration date of term for all
40 appointees of the board of supervisors.

41 Sec. 166. Section 602.6504, subsections 4 and 5,
42 Code 2009, are amended to read as follows:

43 4. In order to be placed on the ballot for county
44 magistrate appointing commission, an eligible attorney
45 elector shall file a nomination petition in the office
46 of the ~~clerk of court on or before November 30 of the~~
47 ~~year in which the election for attorney positions is~~
48 ~~to occur~~ state court administrator at least thirty
49 days prior to the expiration of the period within
50 which the election must be held. This subsection does

1 not preclude write-in votes at the time of the
 2 election.
 3 5. When an election of magistrate appointing
 4 commissioners is to be held, the ~~clerk of the district~~
 5 ~~court for each county shall cause to be mailed to each~~
 6 ~~eligible attorney a ballot that is in substantially~~
 7 ~~the following form: state court administrator shall~~
 8 administer the election. The state court
 9 administrator may administer the election by
 10 electronic notification and voting or by paper ballot
 11 mailed to each eligible attorney. The state court
 12 administrator shall mail paper ballots to eligible
 13 attorneys or electronically notify and enable eligible
 14 attorneys to vote on or before December 15.

15 **BALLOT**

16 **County Magistrate Appointing Commission**

17 To be cast by the resident members of the bar of
18 ~~..... county.~~

19 ~~Vote for (state number) for county judicial~~
20 ~~magistrate appointing commissioner(s) for term~~
21 ~~commencing~~

22
23

24 ~~To be counted, this ballot must be completed and~~
25 ~~mailed or delivered to clerk of the district court,~~
26 ~~....., no later than December 31, ... (year) (or~~
27 ~~the appropriate date in case of an election to fill a~~
28 ~~vacancy).~~

29 Sec. 167. EFFECTIVE DATE. This division of this
30 Act takes effect February 10, 2010.

31 **DIVISION XI**

32 **JUDICIAL OFFICER VACANCIES**

33 Sec. 168. 2009 Iowa Acts, [House File 414](#), section
34 54, is amended to read as follows:

35 **SEC. 54. JUDICIAL APPOINTMENT – DELAY.**

36 1. Notwithstanding section 46.12, the chief
37 justice may order the state commissioner of elections
38 to delay, for up to one hundred eighty days for
39 budgetary reasons, the sending of a notification to
40 the proper judicial nominating commission that a
41 vacancy in the supreme court, court of appeals, or
42 district court has occurred or will occur.

43 2. Notwithstanding sections 602.6304, 602.7103B,
44 and 633.20B, the chief justice may order any county
45 magistrate appointing commission to delay, for up to
46 one hundred eighty days for budgetary reasons, the
47 certification of nominees to the chief judge of the
48 judicial district for a district associate judgeship,
49 associate juvenile judgeship, or associate probate
50 judgeship.

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1 3. Notwithstanding section 602.6403, subsection 3,
 2 the chief justice may order any county magistrate
 3 appointing commission to delay, for up to one hundred
 4 eighty days for budgetary reasons, the appointment of
 5 a magistrate to serve the remainder of an unexpired
 6 term.

7 4. ~~The section~~ Subsection 3, relating to
 8 magistrate vacancies, is applicable for the period
 9 beginning on the effective date of this section and
 10 ending June 30, 2009. Subsections 1 and 2 are
 11 applicable for the period beginning on the effective
 12 date of this section and ending on June 30, 2010.

13 Sec. 169. EFFECTIVE AND RETROACTIVE APPLICABILITY
 14 DATES. The section of this division of this Act
 15 amending 2009 Iowa Acts, [House File 414](#), section 54,
 16 being deemed of immediate importance, takes effect
 17 upon enactment and is retroactively applicable to
 18 March 16, 2009.

19 DIVISION XII

20 CARE OF ANIMALS IN COMMERCIAL
21 ESTABLISHMENTS – APPROPRIATION

22 Sec. 170. DEPARTMENT OF AGRICULTURE AND LAND
 23 STEWARDSHIP. There is appropriated from the general
 24 fund of the state to the department of agriculture and
 25 land stewardship for the fiscal year beginning July 1,
 26 2009, and ending June 30, 2010, the following amount,
 27 or so much thereof as is necessary, to be used for the
 28 purposes designated:

29 For purposes of an inspector for the enforcement of
 30 chapter 162, including salaries, support, maintenance,
 31 miscellaneous purposes and for not more than the
 32 following full-time equivalent position:

33	\$ 100,000
34	FTEs 1.00

35 Sec. 171. Section 162.2, Code 2009, is amended by
 36 adding the following new subsection:

37 NEW SUBSECTION. 8A. "Department" means the
 38 department of agriculture and land stewardship.

39 Sec. 172. Section 162.6, Code 2009, is amended to
 40 read as follows:

41 162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE.

42 A person shall not operate a commercial kennel or
 43 public auction unless the person has obtained a
 44 license to operate a commercial kennel or a public
 45 auction issued by the secretary or unless the person
 46 has obtained a certificate of registration issued by
 47 the secretary if the kennel is federally licensed.
 48 Application for the license or the certificate shall
 49 be made in the manner provided by the secretary. The
 50 license and the certificate expire one year from date

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1 of issue unless revoked. The license fee is forty
2 dollars per year and the certification fee is ~~twenty~~
3 one hundred dollars annually. If the person has
4 obtained a federal license, the person need only
5 obtain a certificate. The license may be renewed upon
6 application and payment of the prescribed fee in the
7 manner provided by the secretary if the licensee has
8 conformed to all statutory and regulatory
9 requirements. The certificate may be renewed upon
10 application and payment of the prescribed fee in the
11 manner provided by the secretary. A person regulated
12 under section 99D.22 is exempt from paying the
13 certification fee.

14 Sec. 173. Section 162.7, Code 2009, is amended to
15 read as follows:

16 162.7 DEALER LICENSE.

17 A person shall not operate as a dealer unless the
18 person has obtained a license issued by the secretary
19 or unless the person has obtained a certificate of
20 registration issued by the secretary if the kennel is
21 federally licensed. Application for the license or
22 the certificate shall be made in the manner provided
23 by the secretary. The license and certificate expire
24 one year from date of issue unless revoked. The
25 license fee is one hundred dollars per year and the
26 certification fee is ~~twenty~~ one hundred dollars per
27 year. The license may be renewed upon application and
28 payment of the fee in the manner provided by the
29 secretary if the licensee has conformed to all
30 statutory and regulatory requirements. The
31 certificate may be renewed upon application and
32 payment of the fee in the manner provided by the
33 secretary. A person regulated under section 99D.22 is
34 exempt from paying the certification fee.

35 Sec. 174. Section 162.8, Code 2009, is amended to
36 read as follows:

37 162.8 COMMERCIAL BREEDER'S LICENSE.

38 A person shall not operate as a commercial breeder
39 unless the person has obtained a license issued by the
40 secretary or unless the person has obtained a
41 certificate of registration issued by the secretary if
42 the kennel is federally licensed. Application for the
43 license or the certificate shall be made in the manner
44 provided by the secretary. The annual license or the
45 certification period expires one year from date of
46 issue. The license fee is forty dollars per year and
47 the certificate fee is ~~twenty~~ one hundred dollars per
48 year. The license may be renewed upon application and
49 payment of the prescribed fee in the manner provided
50 by the secretary if the licensee has conformed to all

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1 statutory and regulatory requirements. The
2 certificate may be renewed upon application and
3 payment of the prescribed fee in the manner provided
4 by the secretary. A person regulated under section
5 99D.22 is exempt from paying the certification fee.
6 Sec. 175. Section 162.11, subsection 2, Code 2009,
7 is amended by striking the subsection and inserting in
8 lieu thereof the following:

9 2. The department shall regulate a person who
10 applies for or has been issued a certificate of
11 registration as a dealer, commercial breeder,
12 commercial kennel, or public auction.

13 DIVISION XIII

14 DISASTER ASSISTANCE

15 Sec. 176. 2009 Iowa Acts, [House File 64](#), section
16 1, subsection 2, paragraph b, is amended to read as
17 follows:

18 b. Forgivable loans awarded after the effective
19 date of this division of this Act shall be awarded
20 pursuant to the following priorities:

21 (1) First priority shall be given to eligible
22 residents who have not received any moneys under the
23 jumpstart housing assistance program ~~prior to the~~
24 ~~effective date of this division of this Act.~~

25 (2) Second priority shall be given to eligible
26 residents who have received less than twenty-four
27 thousand nine hundred ninety-nine dollars under the
28 jumpstart housing assistance program ~~prior to the~~
29 ~~effective date of this division of this Act.~~

30 (3) Third priority shall be given to eligible
31 residents who have received twenty-four thousand nine
32 hundred ninety-nine dollars under the jumpstart
33 housing assistance program ~~prior to the effective date~~
34 ~~of this division of this Act~~ and who continue to have
35 unmet needs for down payment assistance, emergency
36 housing repair or rehabilitation, interim mortgage
37 assistance, or energy efficiency assistance. An
38 eligible resident shall not receive more than an
39 additional twenty-four thousand nine hundred
40 ninety-nine dollars under this subparagraph.

41 Sec. 177. 2009 Iowa Acts, [House File 64](#), section
42 4, subsection 1, is amended to read as follows:

43 1. There is appropriated from the Iowa economic
44 emergency fund created in section 8.55 to the
45 department of human services for the fiscal year
46 beginning July 1, 2008, and ending June 30, 2009, the
47 following amount, or so much thereof as is necessary,
48 to be used for the purposes designated:

49 For providing individual disaster grants for unmet
50 needs pursuant to the requirements in this section:

1 \$ 10,000,000

2 6,600,000

3 Sec. 178. 2009 Iowa Acts, [House File 64](#), section
4 4, subsection 6, is amended to read as follows:

5 6. An area long-term disaster committee shall be
6 reimbursed for ~~administrative expenses incurred in an~~
7 ~~amount not to exceed three percent of the grant moneys~~
8 ~~awarded for the area pursuant to an intergovernmental~~
9 ~~agreement to be established between the department of~~
10 ~~human services and the agency of record responsible~~
11 ~~for the long-term disaster committee in each area~~
12 unreimbursed grants made to persons for eligible
13 expenses authorized in subsection 5, not to exceed two
14 thousand five hundred dollars per household, made by a
15 committee since September 1, 2008. The department of
16 human services shall not be reimbursed for using
17 moneys appropriated in this section for administrative
18 costs associated with administering the Iowa unmet
19 needs disaster grant program.

20 Sec. 179. HOMELAND SECURITY AND EMERGENCY
21 MANAGEMENT DIVISION – APPROPRIATION.

22 1. There is appropriated from the Iowa economic
23 emergency fund created in section 8.55 to the
24 department of public defense for the homeland security
25 and emergency management division for the fiscal year
26 beginning July 1, 2008, and ending June 30, 2009, the
27 following amount, or so much thereof as is necessary,
28 to be used for the purposes designated:

29 For distribution to political subdivisions and
30 private nonprofit organizations pursuant to this
31 section:

32 \$ 2,400,000

33 2. The homeland security and emergency management
34 division of the department of public defense shall
35 distribute moneys appropriated under subsection 1 to
36 political subdivisions and private nonprofit
37 organizations based on donated resources amounts
38 reported by the recipient to the division and the
39 federal emergency management agency under the public
40 assistance disaster relief program. The division
41 shall make distributions equal in amount to forty
42 percent of the donated resources amounts reported.

43 3. Notwithstanding section 8.33 and section 8.55,
44 subsection 3, paragraph "a", moneys appropriated in
45 this section that remain unencumbered or unobligated
46 at the close of the fiscal year shall not revert but
47 shall remain available for expenditure for the
48 purposes designated until the close of the succeeding
49 fiscal year.

50 Sec. 180. REBUILD IOWA OFFICE – APPROPRIATION.

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1 1. There is appropriated from the Iowa economic
 2 emergency fund created in section 8.55 to the rebuild
 3 Iowa office for the fiscal year beginning July 1,
 4 2008, and ending June 30, 2009, the following amount,
 5 or so much thereof as is necessary, to be used for the
 6 purposes designated:
 7 For distribution to community recovery centers
 8 pursuant to this section:
 9 \$ 1,000,00

10 2. The rebuild Iowa office shall distribute the
 11 moneys appropriated under this section in the form of
 12 grants to area long-term recovery committees with a
 13 signed memorandum of understanding with the department
 14 of human services.

15 3. Notwithstanding section 8.33 and section 8.55,
 16 subsection 3, paragraph "a", moneys appropriated in
 17 this section that remain unencumbered or unobligated
 18 at the close of the fiscal year shall not revert but
 19 shall remain available for expenditure for the
 20 purposes designated until the close of the succeeding
 21 fiscal year.

22 Sec. 181. EFFECTIVE DATE. This division of this
 23 Act, being deemed of immediate importance, takes
 24 effect upon enactment.

25 DIVISION XIV

26 HEALTH AND HUMAN SERVICES

27 Sec. 182. MEDICAID ENTERPRISE STUDY. By July 1,
 28 2009, the department of human services shall explore
 29 procuring services incorporating data mining,
 30 predictive modeling, and data analytics which may
 31 include automated claims review to address provider
 32 overpayments, underpayments, and fraud within the Iowa
 33 Medicaid enterprise for the fiscal period beginning
 34 July 1, 2006, and ending June 30, 2009. The review
 35 shall be completed by June 30, 2009, and shall use
 36 only Iowa specific models, patterns, or trend data.
 37 The department shall issue a request for proposals to
 38 competitively procure such services not later than
 39 July 1, 2009, and shall complete the request for
 40 proposals process by August 31, 2009.

41 Sec. 183. Section 135H.3, Code 2009, is amended by
 42 adding the following new unnumbered paragraph:
 43 NEW UNNUMBERED PARAGRAPH. If a child is diagnosed
 44 with a biologically based mental illness as defined in
 45 section 514C.22 and meets the medical assistance
 46 program criteria for admission to a psychiatric
 47 medical institution for children, the child shall be
 48 deemed to meet the acuity criteria for inpatient
 49 benefits under a group policy, contract, or plan
 50 providing for third-party payment or prepayment of

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1 health, medical, and surgical coverage benefits issued
2 by a carrier, as defined in section 513B.2, or by an
3 organized delivery system authorized under 1993 Iowa
4 Acts, chapter 158, that is subject to section 514C.22.
5 Such benefits shall not be excluded or denied as care
6 that is substantially custodial in nature under
7 section 514C.22, subsection 8, paragraph "b".
8 Sec. 184. NEW SECTION. 514C.24 CANCER TREATMENT
9 – COVERAGE.
10 1. Notwithstanding the uniformity of treatment
11 requirements of section 514C.6, a contract, policy, or
12 plan providing for third-party payment or prepayment
13 for cancer treatment shall not discriminate between
14 coverage benefits for prescribed, orally-administered
15 anticancer medication used to kill or slow the growth
16 of cancerous cells and intravenously administered or
17 injected cancer medications that are covered,
18 regardless of formulation or benefit category
19 determination by the contract, policy, or plan.
20 2. The provisions of this section shall apply to
21 all of the following classes of third-party payment
22 provider contracts, policies, or plans delivered,
23 issued for delivery, continued, or renewed in this
24 state on or after July 1, 2009:
25 a. Individual or group accident and sickness
26 insurance providing coverage on an expense-incurred
27 basis.
28 b. An individual or group hospital or medical
29 service contract issued pursuant to chapter 509, 514,
30 or 514A.
31 c. An individual or group health maintenance
32 organization contract regulated under chapter 514B.
33 d. An individual or group Medicare supplemental
34 policy, unless coverage pursuant to such policy is
35 preempted by federal law.
36 e. A plan established pursuant to chapter 509A for
37 public employees.
38 3. This section shall not apply to accident-only,
39 specified disease, short-term hospital or medical,
40 hospital confinement indemnity, credit, dental,
41 vision, long-term care, basic hospital, and
42 medical-surgical expense coverage as defined by the
43 commissioner, disability income insurance coverage,
44 coverage issued as a supplement to liability
45 insurance, workers' compensation or similar insurance,
46 or automobile medical payment insurance.
47 4. The commissioner of insurance shall adopt rules
48 pursuant to chapter 17A as necessary to administer
49 this section.
50 Sec. 185. 2008 Iowa Acts, chapter 1187, section

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1 29, is amended by adding the following new unnumbered
2 paragraph:
3 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
4 8.33, moneys appropriated in this section that remain
5 unencumbered or unobligated at the close of the fiscal
6 year shall not revert but shall remain available for
7 expenditure for the purpose designated until the close
8 of the fiscal year beginning July 1, 2010.

9 Sec. 186. 2009 Iowa Acts, [House File 811](#), section
10 40, subsection 2, if enacted, is amended to read as
11 follows:

12 2. The study committee shall consist of members of
13 the general assembly, and representatives of the
14 department of public health, the Iowa pharmacy
15 association, the Iowa medical society, the Iowa nurses
16 association, ~~wellmark blue cross blue shield, the~~
17 ~~principal financial group, the federation of Iowa~~
18 ~~insurers~~, the university of Iowa college of public
19 health, the Iowa retail federation, the prevention and
20 chronic care management advisory council established
21 in section 135.161, the medical home system advisory
22 council established in section 135.159, the Iowa
23 healthcare collaborative, as defined in section
24 135.40, the health policy corporation of Iowa, and the
25 Iowa foundation for medical care.

26 Sec. 187. EFFECTIVE DATE.

27 1. The section of this division of this Act
28 relating to a Medicaid enterprise study, being deemed
29 of immediate importance, takes effect upon enactment.

30 2. The section of this division of this Act
31 amending 2008 Iowa Acts, chapter 1187, section 29,
32 being deemed of immediate importance, takes effect
33 upon enactment.

34 DIVISION XV

35 ECONOMIC DEVELOPMENT – WORKFORCE DEVELOPMENT

36 Sec. 188. DISASTER ASSISTANCE LOAN AND CREDIT 37 GUARANTEE PROGRAM.

38 1. The department of economic development shall
39 establish and administer a disaster assistance loan
40 and credit guarantee program by investing the assets
41 of the disaster assistance loan and credit guarantee
42 fund in order to provide loan and credit guarantees to
43 all of the following qualifying businesses:

44 a. Businesses directly impacted by a natural
45 disaster occurring after May 24, 2008, and before
46 August 14, 2008.

47 b. Businesses either locating an existing business
48 or starting a new business in a disaster-impacted
49 space in an area which was declared a natural disaster
50 area by the president of the United States due to a

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1 natural disaster occurring after May 24, 2008, and
2 before August 14, 2008. For purposes of this
3 paragraph, "disaster-impacted space" means a building
4 damaged by a natural disaster occurring after May 24,
5 2008, and before August 14, 2008, including undamaged
6 upper floors of a building that was damaged by the
7 natural disaster.

8 c. Businesses filling a critical community need in
9 conformance with the comprehensive plan of the city as
10 determined by resolution of the city council of the
11 city in which the business is located. For purposes
12 of this paragraph, a business shall be deemed to be
13 located in a city if it is located within two miles of
14 the city limits.

15 2. a. The department, pursuant to agreements with
16 financial institutions, shall provide loan and credit
17 guarantees to qualifying businesses described in
18 subsection 1. A loan or credit guarantee under the
19 program shall not exceed ten percent of the loan
20 amount or twenty-five thousand dollars, whichever is
21 less. Not more than one loan or credit guarantee
22 shall be awarded per federal employer identification
23 number.

24 b. A loan or credit guarantee provided under the
25 program may stand alone or may be used in conjunction
26 with or to enhance other loan or credit guarantees
27 offered by a financial institution. The department
28 may purchase insurance to cover defaulted loans
29 meeting the requirements of the program. However, the
30 department shall not in any manner directly or
31 indirectly pledge the credit of the state.

32 c. Eligible project costs include expenditures for
33 productive equipment and machinery, land and real
34 estate, working capital for operations, research and
35 development, marketing, engineering and architectural
36 fees, and such other costs as the department may so
37 designate.

38 d. A loan or credit guarantee under the program
39 shall not be used for purposes of debt refinancing.

40 3. Each participating financial institution shall
41 identify and underwrite potential lending
42 opportunities with qualifying businesses. Upon a
43 determination by a participating financial institution
44 that a qualifying business meets the underwriting
45 standards of the financial institution, subject to the
46 approval of a loan or credit guarantee, the financial
47 institution shall submit the underwriting information
48 and a loan or credit guarantee application to the
49 department.

50 4. Upon approval of a loan or credit guarantee,

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1 the department shall enter into a loan or credit
2 guarantee agreement with the participating financial
3 institution. The agreement shall specify all of the
4 following:
5 a. The fee to be charged to the financial
6 institution.
7 b. The evidence of debt assurance of, and security
8 for, the loan or credit guarantee.
9 c. A loan or credit guarantee that does not exceed
10 fifteen years.
11 d. Any other terms and conditions considered
12 necessary or desirable by the department.
13 e. That the loan or credit guarantee does not
14 invoke or pledge the credit or the taxing power of the
15 state and that any claim made pursuant to the loan or
16 credit guarantee shall be limited to the terms and
17 amount of the loan or credit guarantee and to the
18 moneys in the disaster assistance loan and credit
19 guarantee fund.

20 5. The department shall charge a nonrefundable
21 application fee for each application under the
22 program. The department shall include the fee
23 information in the application materials. The fee is
24 payable upon submission of an application for a loan
25 or credit guarantee from a financial institution or a
26 qualifying business. The application fee shall be not
27 less than five hundred dollars and not more than one
28 thousand dollars. Moneys received from fees are
29 appropriated to the department for purposes of
30 administering this section.

31 6. The department may adopt loan and credit
32 guarantee application procedures that allow a
33 qualifying business to apply directly to the
34 department for a preliminary guarantee commitment. A
35 preliminary guarantee commitment may be issued by the
36 department subject to the qualifying business securing
37 a commitment for financing from a financial
38 institution. The application procedures shall specify
39 the process by which a financial institution may
40 obtain a final loan or credit guarantee.

41 7. a. A disaster assistance loan and credit
42 guarantee fund is created and established as a
43 separate and distinct fund in the state treasury.
44 Moneys in the fund shall only be used for purposes
45 provided in this section. The moneys in the fund are
46 appropriated to the department to be used for all of
47 the following purposes:
48 (1) Payment of claims pursuant to loan and credit
49 guarantee agreements entered into under this section.
50 (2) Payment of administrative costs of the

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1 department for actual and necessary administrative
2 expenses incurred by the department in administering
3 the disaster assistance loan and credit guarantee
4 program.

5 (3) Purchase or buyout of superior or prior liens,
6 mortgages, or security interests.

7 (4) Purchase of insurance to cover the default of
8 loans made pursuant to the requirements of the
9 disaster assistance loan and credit guarantee program.

10 b. Moneys in the disaster assistance loan and
11 credit guarantee fund shall consist of all of the
12 following:

13 (1) Moneys appropriated by the general assembly
14 for that purpose and any other moneys available to and
15 obtained or accepted by the department for placement
16 in the fund.

17 (2) Proceeds from collateral assigned to the
18 department, fees for guarantees, gifts, and moneys
19 from any grant made to the fund by any federal agency.

20 c. Moneys in the fund are not subject to section
21 8.33. Notwithstanding section 12C.7, interest or
22 earnings on the moneys in the fund shall be credited
23 to the fund.

24 d. (1) The department shall only pledge moneys in
25 the disaster assistance loan and credit guarantee fund
26 and not any other moneys under the control of the
27 department. In a fiscal year, the department may
28 pledge an amount not to exceed the total amount
29 appropriated to the fund for the same fiscal year to
30 assure the repayment of loan and credit guarantees or
31 other extensions of credit made to or on behalf of
32 qualified businesses for eligible project costs.

33 (2) The department shall not pledge the credit or
34 taxing power of this state or any political
35 subdivision of this state or make debts payable out of
36 any moneys except for those in the disaster assistance
37 loan and credit guarantee fund.

38 8. For purposes of this section, "financial
39 institution" means a bank incorporated pursuant to
40 chapter 524 or a credit union organized pursuant to
41 chapter 533.

42 9. For the fiscal year beginning July 1, 2008, and
43 ending June 30, 2009, the Iowa power fund board may
44 allocate up to \$1.8 million for purposes of the
45 disaster assistance loan and credit guarantee fund.

46 Sec. 189. JOB TRAINING INTERIM STUDY COMMITTEE.

47 1. The legislative council shall establish a job
48 training interim study committee to examine job
49 training issues during the 2009 legislative interim
50 period.

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1 2. The study committee shall examine and make
2 recommendations concerning job training needs in Iowa.
3 The study committee shall focus on job training
4 mechanisms that provide services to underserved
5 populations in Iowa. Underserved populations include
6 people making less than twenty thousand dollars per
7 year, minorities, women, persons with disabilities,
8 the elderly, and people convicted of felonies trying
9 to re-enter society after release from prison.

10 3. The legislative council shall consider
11 providing funding for the hiring of a private
12 consultant to identify duplicative programs that
13 contribute to the fragmentation of job training
14 efforts. The study committee shall make
15 recommendations for the removal of any such
16 duplicative programs.

17 4. The committee shall submit a report to the
18 general assembly.

19 Sec. 190. Section 15.421, subsection 2, Code 2009,
20 is amended by adding the following new paragraph:
21 NEW PARAGRAPH. c. The directors of the department
22 of economic development and the department of
23 workforce development, or their designees, shall serve
24 as nonvoting, ex officio members.

25 Sec. 191. Section 15.421, subsection 4, Code 2009,
26 is amended by striking the subsection and inserting in
27 lieu thereof the following:

28 4. a. The chairperson and vice chairperson of the
29 commission shall be selected by the governor and shall
30 serve at the pleasure of the governor.

31 b. An executive council of the commission shall
32 consist of the chairperson and vice chairperson, and
33 three members elected by the commission on an annual
34 basis. The executive council shall meet on a monthly
35 basis.

36 Sec. 192. Section 15.421, subsection 5, paragraphs
37 b and c, Code 2009, are amended to read as follows:

38 b. Advise and assist ~~the department~~ state agencies
39 in activities designed to retain and attract the young
40 adult population.

41 c. Develop and make available best practices
42 guidelines for employers to retain and attract ~~and~~
43 ~~retain~~ young adult employees.

44 Sec. 193. Section 15.421, subsection 5, Code 2009,
45 is amended by adding the following new paragraph:
46 NEW PARAGRAPH. d. Conduct meetings on at least a
47 bimonthly basis.

48 Sec. 194. NEW SECTION. 15E.70 FINANCIAL
49 STATEMENTS – AUDITOR OF STATE.

50 By July 1 of each year, the Iowa fund of funds, the

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1 Iowa capital investment corporation, and designated
2 investors shall submit a financial statement for the
3 previous calendar year to the auditor of state.

4 Sec. 195. 2008 Iowa Acts, chapter 1178, section
5 18, is amended by adding the following new subsection:
6 NEW SUBSECTION. 7. Notwithstanding section 8.33,
7 moneys appropriated in this section that remain
8 unencumbered or unobligated at the close of the fiscal
9 year shall not revert but shall remain available for
10 expenditure for the purposes designated until the
11 close of the succeeding fiscal year.

12 Sec. 196. 2009 Iowa Acts, [Senate File 469](#), section
13 15, subsection 2, unnumbered paragraph 2, if enacted,
14 is amended to read as follows:

15 The division of workers' compensation shall
16 ~~continue charging charge a \$65 \$100~~ filing fee for
17 workers' compensation cases. The filing fee shall be
18 paid by the petitioner of a claim. However, the fee
19 can be taxed as a cost and paid by the losing party,
20 except in cases where it would impose an undue
21 hardship or be unjust under the circumstances. The
22 moneys generated by the filing fee allowed under this
23 subsection are appropriated to the department of
24 workforce development to be used for purposes of
25 administering the division of workers' compensation.

26 Sec. 197. EFFECTIVE DATE.

27 1. The section of this division of this Act
28 amending 2008 Iowa Acts, chapter 1178, section 18,
29 being deemed of immediate importance, takes effect
30 upon enactment.

31 2. The section of this division of this Act
32 creating the disaster assistance loan and credit
33 guarantee program, being deemed of immediate
34 importance, takes effect upon enactment.

35 DIVISION XVI

36 CONTRACTOR REGISTRATION

37 Sec. 198. Section 91C.4, Code 2009, is amended to
38 read as follows:

39 91C.4 FEES

40 The labor commissioner shall prescribe the fee for
41 registration, which fee shall not exceed ~~twenty-five~~
42 fifty dollars every ~~two years~~ year. All fees
43 ~~collected shall be deposited in the general fund of~~
44 ~~the state.~~

45 Sec. 199. Section 91C.7, subsection 2, paragraph
46 b, Code 2009, is amended to read as follows:

47 b. An out-of-state contractor may file a blanket
48 bond in an amount at least equal to fifty thousand
49 dollars for ~~the registration a two-year~~ period
50 ~~established under section 91C.4~~ in lieu of filing an

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1 individual bond for each contract. The division of
2 labor services of the department of workforce
3 development may increase the bond amount after a
4 hearing.

5 Sec. 200. NEW SECTION. 91C.9 REGISTRATION FUND.

6 1. A contractor registration revolving fund is
7 created in the state treasury. The revolving fund
8 shall be administered by the commissioner and shall
9 consist of moneys collected by the commissioner as
10 fees. The commissioner shall remit all fees collected
11 pursuant to this chapter to the revolving fund. The
12 moneys in the revolving fund are appropriated to and
13 shall be used by the commissioner to pay the actual
14 costs and expenses necessary to perform the duties of
15 the commissioner and the division of labor as
16 described in this chapter. All salaries and expenses
17 properly chargeable to the revolving fund shall be
18 paid from the revolving fund.

19 2. Section 8.33 does not apply to any moneys in
20 the revolving fund. Notwithstanding section 12C.7,
21 subsection 2, earnings or interest on moneys deposited
22 in the fund shall be credited to the revolving fund.

23 Sec. 201. EMERGENCY RULES. The commissioner may
24 adopt emergency rules under section 17A.4, subsection
25 3, and section 17A.5, subsection 2, paragraph "b", to
26 implement the provisions of this Act amending chapter
27 91C, and the rules shall be effective immediately upon
28 filing unless a later date is specified in the rules.
29 Any rules adopted in accordance with this section
30 shall also be published as a notice of intended action
31 as provided in section 17A.4.

32 Sec. 202. REGISTRATION FUND – CASH FLOW.
33 Notwithstanding contrary provisions of section 89.8,
34 and of section 91C.9 as enacted in this Act, for the
35 fiscal year beginning July 1, 2009, and ending June
36 30, 2010, the commissioner may allocate, for cash flow
37 purposes, up to one hundred thousand dollars from
38 moneys in the boiler and pressure vessel safety
39 revolving fund created in section 89.8, to the
40 contractor registration revolving fund created in
41 section 91C.9 as enacted in this Act, provided that
42 such moneys are returned to the boiler and pressure
43 vessel safety revolving fund by June 30, 2010.

44 DIVISION XVII

45 CHILD CARE REGULATORY FEE

46 Sec. 203. NEW SECTION. 237A.4A CHILD CARE
47 REGULATORY FEE – CHILD CARE FACILITY FUND.

48 1. a. The department shall implement a regulatory
49 fee for licensure of child care facilities. The fee
50 requirements shall provide for tiered amounts based

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1 upon a child care facility's capacity and a child
2 development home's regulatory category at the time of
3 licensure.

4 b. The regulatory fee for centers shall not exceed
5 one hundred fifty dollars.

6 c. The regulatory fee for category "A" and "B"
7 child development homes shall not exceed one hundred
8 fifty dollars and the fee for category "C" child
9 development homes shall not exceed one hundred
10 eighty-seven dollars.

11 d. The department shall adopt rules for
12 implementation of the fee.

13 2. Regulatory fees collected shall augment
14 existing funding for regulation of child care
15 facilities in order to phase in annual inspections of
16 child development homes and improve inspections of
17 child care centers. The department shall not supplant
18 existing funding for regulation of child care with
19 funding derived from the regulatory fee. The
20 department shall seek to meet the following target
21 percentages of the total number of child development
22 homes in the state inspected annually in phasing in
23 the annual inspection of all child development homes:

24 a. For the fiscal year beginning July 1, 2009,
25 twenty percent.

26 b. For the fiscal year beginning July 1, 2010,
27 forty percent.

28 c. For the fiscal year beginning July 1, 2011,
29 sixty percent.

30 d. For the fiscal year beginning July 1, 2012,
31 eighty percent.

32 e. For the fiscal year beginning July 1, 2013, and
33 succeeding fiscal years, one hundred percent.

34 3. a. In phasing in the inspection of child
35 development homes, the department shall give priority
36 to child development homes that have recently become
37 licensed and have paid the regulatory fee implemented
38 pursuant to this section.

39 b. The results of an inspection of a child care
40 facility shall be made publicly available on the
41 internet page or site implemented by the department in
42 accordance with section 237A.25 and through other
43 means.

44 4. The target time frame for the department's
45 issuance of the report concerning an inspection or
46 other regulatory visit to a child care facility is
47 sixty calendar days.

48 5. A child care facility fund is created in the
49 state treasury under the authority of the department.
50 The fund is separate from the general fund of the

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1 state. Regulatory fees collected under subsection 1
2 shall be credited to the fund. Moneys credited to the
3 fund shall not revert to any other fund and are not
4 subject to transfer except as specifically provided by
5 law. Notwithstanding section 12C.7, subsection 2,
6 interest or earnings on moneys deposited in the fund
7 shall be credited to the fund. Moneys in the fund are
8 annually appropriated to the department to be used for
9 staffing dedicated to monitoring and regulation of
10 child care facilities, contracting, related technology
11 costs, record checks, grants and fee waivers, and
12 other expenses for inspection and regulation of child
13 care facilities. Any full-time equivalent positions
14 paid for out of the fund shall be in addition to other
15 such positions authorized for the department.

16 Sec. 204. Section 237A.5, subsection 2, paragraphs
17 b and c, Code 2009, are amended to read as follows:

18 b. If an individual person subject to a record
19 check is being considered for employment by a child
20 care facility or child care home provider, in lieu of
21 requesting a record check in this state to be
22 conducted by the department under paragraph "c", the
23 child care facility or child care home may access the
24 single contact repository established pursuant to
25 section 135C.33 as necessary to conduct a criminal and
26 child abuse record check of the individual in this
27 state. A copy of the results of the record check
28 conducted through the single contact repository shall
29 also be provided to the department. If the record
30 check indicates the individual is a person subject to
31 an evaluation, the child care facility or child care
32 home may request that the department perform an
33 evaluation as provided in this subsection. Otherwise,
34 the individual shall not be employed by the child care
35 facility or child care home.

36 c. Unless a record check has already been
37 conducted in accordance with paragraph "b", the
38 department shall conduct a criminal and child abuse
39 record check in this state for a person who is subject
40 to a record check and may conduct such a check in
41 other states. In addition, the department may conduct
42 a dependent adult abuse, sex offender registry, or
43 other public or civil offense record check in this
44 state or in other states for a person who is subject
45 to a record check.

46 cc. (1) For a person subject to a record check,
47 in addition to any other record check conducted
48 pursuant to this subsection, the person's fingerprints
49 shall be provided to the department of public safety
50 for submission through the state criminal history

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1 repository to the United States department of justice,
2 federal bureau of investigation for a national
3 criminal history check. The national criminal history
4 check shall be repeated every four years.

5 (2) Except as otherwise provided by law, the cost
6 of a national criminal history check conducted in
7 accordance with subparagraph (1) and the state record
8 checks conducted in accordance with paragraph "c" that
9 are conducted in connection with a person's
10 involvement with a child care center are not the
11 responsibility of the department. The department is
12 responsible for the cost of such checks conducted in
13 connection with a person's involvement with a child
14 development home or child care home.

15 (3) If record checks under paragraph "b" or "c"
16 have been conducted on a person subject to a record
17 check and the results do not warrant prohibition of
18 the person's involvement with child care or otherwise
19 present protective concerns, the person may be
20 involved with child care on a provisional basis until
21 the record check under subparagraph (1) has been
22 completed.

23 (4) For the period beginning July 1, 2009, and
24 ending June 30, 2013:

25 (a) The requirement in subparagraph (1) shall only
26 apply to owners and employees of licensed child care
27 centers and licensed child development homes and is
28 applicable beginning on and after January 1, 2010, at
29 the time of initial application for or renewal of a
30 center's or home's license and the cost provisions of
31 subparagraph (2) are applicable to owners and
32 employees of centers beginning at the same time.

33 (b) Except for child development home providers
34 who voluntarily license and are addressed by
35 subparagraph division (a), and child development home
36 providers participating in the child care quality
37 rating system at a level under which national records
38 checks are required in accordance with departmental
39 rule, the national record check requirement in
40 subparagraph (1) is not applicable in connection with
41 a child development home or child care home throughout
42 the period.

43 (c) This subparagraph (4) is repealed on July 1,
44 2013.

45 ccc. (1) If a record check performed pursuant to
46 this ~~paragraph~~ subsection identifies an individual as
47 a person subject to an evaluation, an evaluation shall
48 be performed to determine whether prohibition of the
49 person's involvement with child care is warranted.
50 The evaluation shall be performed in accordance with

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1 procedures adopted for this purpose by the department.
2 (2) Prior to performing an evaluation, the
3 department shall notify the affected person, licensee,
4 registrant, or child care home applying for or
5 receiving public funding for providing child care,
6 that an evaluation will be conducted to determine
7 whether prohibition of the person's involvement with
8 child care is warranted.

9 Sec. 205. IMPLEMENTATION.

10 1. The department of human services shall adopt
11 administrative rules to begin implementation of the
12 regulatory fee authorized to be imposed by this
13 division of this Act on or after January 1, 2010.

14 2. It is the intent of the general assembly to
15 enact required licensure of child development homes
16 commencing on July 1, 2013, and for the licensure
17 requirement to provide exemptions for child care
18 provided by a relative to only related children, a
19 person providing before or after school child care
20 without charge to only children of friends or
21 neighbors, or a person providing child care to only
22 children from a single unrelated family. Beginning on
23 the effective date of this division of this Act, the
24 department of human services shall begin transition
25 activities for such implementation of child
26 development home licensure. The transition activities
27 may include all of the following:

28 a. Implementation of an ongoing public awareness
29 campaign to inform child care providers and consumers
30 of child care services of the intended licensure
31 requirement.

32 b. Implementation of a voluntary child development
33 home licensing program on or after July 1, 2010. The
34 department shall adopt rules for the voluntary
35 program. The rules may include but are not limited to
36 provisions to limit the number of voluntary licensure
37 applications accepted as necessary to limit related
38 expenditures within the funding available. The rules
39 shall address all qualification levels of providers
40 who apply for licensure under the voluntary program.
41 However, a precensure inspection shall not be
42 required for initial licensure of a child development
43 home provider who meets all of the following
44 requirements:

45 (1) The provider's registration is in good
46 standing at the time of application for a license.

47 (2) The provider has a rating of 3, 4, or 5 under
48 the child care quality rating system implemented
49 pursuant to section 237A.30 as of the application
50 date. The provider must either maintain or achieve a

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1 higher rating, throughout the period of voluntary
2 licensure.

3 (3) The provider has passed a registration
4 compliance check by the department or achieved a
5 rating specified in subparagraph (2) within the
6 two-year period preceding the application date.

7 c. Any cost savings realized by the department
8 during the transition period due to licensed child
9 care centers or their employees assuming
10 responsibility for the cost of required record checks
11 in place of the department shall be transferred to the
12 child care facility fund created by this division of
13 this Act.

14 d. The department, in collaboration with
15 representatives of the community empowerment
16 initiative, the state child care advisory council, the
17 early childhood Iowa council, child care providers
18 active with the Iowa affiliate of the American
19 federation of state, county, and municipal employees,
20 and others involved with early care, shall develop a
21 plan for creating sustainable funding sources to
22 support home-based child care providers in meeting the
23 intended child development home licensing requirement.
24 The plan shall be submitted to the governor and
25 general assembly on or before December 15, 2010.

26 DIVISION XVIII

27 AUTOMOBILE RACETRACK FACILITIES

28 Sec. 206. Section 423.4, subsection 5, paragraph
29 a, subparagraphs (2), (3), and (4), Code 2009, are
30 amended to read as follows:

31 (2) "Change of control" means any of the
32 following:

33 (a) Any change in the ownership of the original or
34 any subsequent legal entity that is the owner or
35 operator of the automobile racetrack facility such
36 that ~~at least sixty~~ less than twenty-five percent of
37 the equity interests in the legal entity ~~cease to be~~
38 is owned by individuals who are residents of Iowa, an
39 Iowa corporation, or combination of both.

40 (b) The original owners of the legal entity that
41 is the owner or operator of the automobile racetrack
42 facility shall collectively cease to own ~~more than~~
43 fifty at least twenty-five percent of the voting
44 equity interests of such legal entity ~~or shall~~
45 ~~otherwise cease to have effective control of such~~
46 legal entity.

47 (3) "Iowa corporation" means a corporation
48 incorporated under the laws of Iowa where at least
49 ~~sixty~~ twenty-five percent of the corporation's equity
50 interests are owned by individuals who are residents

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1 of Iowa.

2 (4) "Owner or operator" means a for-profit legal
3 entity where at least ~~sixty~~ twenty-five percent of it
4 equity interests are owned by individuals who are
5 residents of Iowa, an Iowa corporation, or combination
6 of both and that is the owner or operator of an
7 automobile racetrack facility and is primarily a
8 promoter of motor vehicle races.

9 Sec. 207. Section 423.4, subsection 5, paragraph
10 c, subparagraph (4), Code 2009, is amended to read as
11 follows:

12 (4) Notwithstanding subparagraph (3), the rebate
13 of sales tax shall cease for transactions occurring on
14 or after the date of the ~~sale or other transfer,~~
15 ~~whether voluntarily or involuntarily, of the~~
16 ~~automobile racetrack facility to a party other than~~
17 ~~the original owner of the facility or upon a change of~~
18 control of such the automobile racetrack facility.

19 DIVISION XIX

20 HUNTING

21 Sec. 208. Section 481A.21, Code 2009, is amended
22 to read as follows:

23 481A.21 BIRDS AS TARGETS.

24 A person shall not keep or use any live pigeon or
25 other bird as a target, to be shot at for amusement or
26 as a test of skill in marksmanship, or shoot at a bird
27 kept or used for such purpose, or be a party to such
28 shooting, or lease any building, room, field, or
29 premises, or knowingly permit the use thereof, for the
30 purpose of such shooting. This section does not
31 prevent any person from shooting at live pigeons,
32 sparrows, and starlings when used in the training of
33 hunting dogs. This section does not prevent any
34 person from shooting at a bird that is released a
35 minimum of fifty yards from that person on a licensed
36 hunting preserve.

37 Sec. 209. Section 483A.1, subsection 1, paragraphs
38 b and d, Code 2009, are amended to read as follows:

- 39 b. Fishing license, lifetime, ~~sixty five~~
- 40 ~~sixty-seven~~ years or older \$ 50.50
- 41 d. Hunting license, lifetime, ~~sixty five~~
- 42 ~~sixty-seven~~ years or older \$ 50.50

43 Sec. 210. Section 483A.1, subsection 2, Code 2009,
44 is amended to read as follows:

- 45 2. Nonresidents:
- 46 a. Fishing license, annual \$ ~~30.00~~
- 47 49.50
- 48 b. Fishing license, seven-day \$ ~~30.00~~
- 49 35.50
- 50 c. Hunting license, eighteen years of

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1	age or older	\$ 80.00
2		<u>110.00</u>
3	d. Hunting license, under eighteen	
4	years of age	\$ 30.00
5	e. Deer hunting license, antlered or	
6	any sex deer	\$ 220.00
7		<u>295.00</u>
8	f. Deer hunting license, antlerless	
9	deer only, required with the purchase of	
10	an antlered or any sex deer hunting license	\$ 100.00
11		<u>125.00</u>
12	g. Deer hunting license, antlerless	
13	deer only	\$ 150.00
14		<u>225.00</u>
15	<u>h. Holiday deer hunting license issued</u>	
16	<u>under section 483A.8, subsection 6.</u>	
17	<u>antlerless deer only</u>	\$ 75.00
18	h. i. Wild turkey hunting license	\$ 100.00
19		<u>125.00</u>
20	i. j. Fur harvester license	\$ 200.00
21		<u>275.00</u>
22	j. k. Fur dealer license	\$ 50 1.00
23	k. l. Location permit for fur dealers	\$ 5 6.00
24	l. m. Aquaculture unit license	\$ 5 6.00
25	m. n. Retail bait dealer license or the	
26	amount for the same type of license in the	
27	nonresident's state, whichever is greater	\$ 125.00
28	n. o. Trout fishing fee	\$ 13.00
29		<u>17.50</u>
30	o. p. Game breeder license	\$ 2 6.00
31	p. q. Taxidermy license	\$ 2 6.00
32	q. r. Falconry license	\$ 2 6.00
33	r. s. Wildlife habitat fee	\$ 1 1.00
34	s. t. Migratory game bird fee	\$ 8.00
35		<u>11.50</u>
36	t. u. Fishing license, three-day	\$ 15.50
37		<u>21.00</u>
38	u. v. Wholesale bait dealer license	
39	or the amount for the same type of license	
40	in the nonresident's state, whichever	
41	is greater	\$ 250.00
42	v. w. Fishing license, one-day	\$ 8.50
43		<u>10.00</u>

44 Sec. 211. Section 483A.8, subsection 6, Code 2009,
45 is amended to read as follows:
46 6. The commission shall provide by rule for the
47 annual issuance to a nonresident of a nonresident
48 antlerless deer hunting license that is valid for use
49 only during the period beginning on December 24 and
50 ending at sunset on January 2 of the following year,

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1 and costs ~~fifty~~ seventy-five dollars. A nonresident
2 hunting deer with a license issued under this
3 subsection shall be otherwise qualified to hunt deer
4 in this state and shall have a nonresident hunting
5 license, pay the wildlife habitat fee, and pay the one
6 dollar fee for the purpose of deer herd population
7 management as provided in subsection 3. Pursuant to
8 this subsection, the commission shall make available
9 for issuance only the remaining nonresident antlerless
10 deer hunting licenses allocated under subsection 3
11 that have not yet been issued for the current year's
12 nonresident antlerless deer hunting seasons.

13 Sec. 212. EFFECTIVE DATE. This division of this
14 Act, being deemed of immediate importance, takes
15 effect upon enactment.

DIVISION XX

NONPROFIT YOUTH ATHLETIC GROUPS

17 Sec. 213. Section 423.3, subsection 78, Code 2009,
18 is amended to read as follows:

19 78. a. The sales price from sales or rental of
20 tangible personal property, or services rendered by
21 any entity where the profits from the sales or rental
22 of the tangible personal property, or services
23 rendered, are used by or donated to a nonprofit entity
24 ~~which~~ that is exempt from federal income taxation
25 pursuant to section 501(c)(3) of the Internal Revenue
26 Code, a government entity, or a nonprofit private
27 educational institution, and where the entire proceeds
28 from the sales, rental, or services are expended for
29 any of the following purposes:

30 a. ~~(1)~~ Educational.

31 b. ~~(2)~~ Religious.

32 c. ~~(3)~~ Charitable. A charitable act is an act
33 done out of goodwill, benevolence, and a desire to add
34 to or to improve the good of humankind in general or
35 any class or portion of humankind, with no pecuniary
36 profit inuring to the person performing the service or
37 giving the gift.

38 b. For purposes of this exemption, an organization
39 that meets the requirements of paragraph "a" and which
40 is created for the sole or primary purpose of
41 providing athletic activities to youth shall be
42 considered created for an educational purpose.

43 c. This exemption does not apply to the sales
44 price from games of skill, games of chance, raffles,
45 and bingo games as defined in chapter 99B. This
46 exemption is disallowed on the amount of the sales
47 price only to the extent the profits from the sales,
48 rental, or services are not used by or donated to the
49 appropriate entity and expended for educational,
50

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1 religious, or charitable purposes.

2 Sec. 214. REFUNDS. Refunds of taxes, interest, or
3 penalties which arise from claims resulting from the
4 provisions of this division of this Act enacting
5 section 423.3, subsection 78, new paragraph "b", for
6 the sales price from sales or rental of tangible
7 personal property, or services occurring between July
8 1, 1998, and the effective date of section 423.3,
9 subsection 78, new paragraph "b", shall be limited to
10 fifty thousand dollars in the aggregate and shall not
11 be allowed unless refund claims are filed prior to
12 October 1, 2009, notwithstanding any other provision
13 of law. If the amount of claims totals more than
14 fifty thousand dollars in the aggregate, the
15 department of revenue shall prorate the fifty thousand
16 dollars among all claimants in relation to the amounts
17 of the claimants' valid claims.

18 Sec. 215. EFFECTIVE AND RETROACTIVE APPLICABILITY
19 DATES. The section of this division of this Act
20 amending section 423.3, subsection 78, being deemed of
21 immediate importance, takes effect upon enactment and
22 applies retroactively to July 1, 1998.

23 DIVISION XXI
24 MAGISTRATES

25 Sec. 216. Section 602.6401, subsection 4, Code
26 2009, is amended to read as follows:

27 4. By March of each year in which magistrates'
28 terms expire, the state court administrator shall give
29 notice to the clerks of the district court and to the
30 chief judges of the judicial districts of the number
31 of magistrates to which each county is entitled. If
32 the state court administrator does not give the notice
33 as required in this subsection by March of each year
34 in which magistrates' terms expire, the existing
35 magistrate apportionment in effect shall remain in
36 effect through the succeeding magistrates' terms, and
37 any apportionment performed pursuant to subsection 2
38 is void until such succeeding terms expire.

39 Sec. 217. EFFECTIVE DATE – RETROACTIVE
40 APPLICABILITY. This division of this Act, being
41 deemed of immediate importance, takes effect upon
42 enactment and applies retroactively to January 1,
43 2009, to void any apportionment for which notice was
44 not given by March of 2009.

45 DIVISION XXII
46 CITY FRANCHISE FEES AND CITY UTILITIES

47 Sec. 218. Section 364.2, subsection 4, paragraph
48 f, Code 2009, is amended to read as follows:

49 f. A franchise fee assessed by a city may be based
50 upon a percentage of gross revenues generated from

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1 sales of the franchisee within the city not to exceed
2 five percent, without regard to the city's cost of
3 inspecting, supervising, and otherwise regulating the
4 franchise. Franchise fees collected pursuant to an
5 ordinance in effect on the effective date of this
6 division of this Act shall be deposited in the city's
7 general fund and such fees collected in excess of the
8 amounts necessary to inspect, supervise, and otherwise
9 regulate the franchise may be used by the city for any
10 other purpose authorized by law. Franchise fees
11 collected pursuant to an ordinance that is adopted or
12 amended on or after the effective date of this
13 division of this Act to increase the percentage rate
14 at which franchise fees are assessed shall be credited
15 to the franchise fee account within the city's general
16 fund and used pursuant to section 384.3A. If a city
17 franchise fee is assessed to customers of a franchise,
18 the fee shall not be assessed to the city as a
19 customer. Before a city adopts or amends a franchise
20 fee rate ordinance or franchise ordinance to increase
21 the percentage rate at which franchise fees are
22 assessed, a revenue purpose statement shall be
23 prepared specifying the purpose or purposes for which
24 the revenue collected from the increased rate will be
25 expended. If property tax relief is listed as a
26 purpose, the revenue purpose statement shall also
27 include information regarding the amount of the
28 property tax relief to be provided with revenue
29 collected from the increased rate. The revenue
30 purpose statement shall be published as provided in
31 section 362.3.

32 Sec. 219. Section 364.3, Code 2009, is amended by
33 adding the following new subsection:
34 NEW SUBSECTION. 10. A city which operates a
35 utility that furnishes gas or electricity shall manage
36 the right-of-way on a competitively neutral and
37 nondiscriminatory basis. Such city utility shall be
38 required to pay the fees and charges computed in the
39 same manner as those fees and charges which are
40 imposed by the city upon any other provider of a
41 similar service within the corporate boundaries of the
42 city. Such city utility shall also comply with the
43 terms of the franchise granted by the city to the
44 provider of a similar service. This subsection shall
45 not be construed to prohibit the city utility from
46 making transfers of surplus as otherwise allowed or
47 from making in-kind contributions as otherwise
48 allowed. However, a city shall not require that
49 transfers from the city utility be in excess of the
50 franchise fee amount imposed upon the provider of a

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1 similar service unless otherwise agreed.
2 Sec. 220. NEW SECTION. 384.3A FRANCHISE FEE
3 ACCOUNT – USE OF FRANCHISE FEE REVENUES.
4 1. A city that assesses a franchise fee pursuant
5 to an ordinance that is adopted or amended on or after
6 the effective date of this division of this Act to
7 increase the percentage rate at which franchise fees
8 are assessed under section 364.2, subsection 4,
9 paragraph "f", shall establish a franchise fee account
10 within the city's general fund. All revenues
11 collected by a city pursuant to such an ordinance
12 shall be deposited in the account. Interest earned on
13 revenues deposited in the account shall remain in the
14 account and be used for the purposes specified in this
15 section. Moneys in the account are not subject to
16 transfer to any other accounts in the city's general
17 fund or to any other funds established by a city
18 unless such transfer is for a purpose specified in
19 this section.
20 2. Moneys in the account shall be used for the
21 purposes of inspecting, supervising, and otherwise
22 regulating each franchise approved by the city.
23 3. Moneys in the account in excess of the amount
24 necessary for the purposes specified in subsection 2
25 shall be expended for any of the following:
26 a. Property tax relief.
27 b. The repair, remediation, restoration, cleanup,
28 replacement, and improvement of existing public
29 improvements and other publicly owned property,
30 buildings, and facilities.
31 c. Projects designed to prevent or mitigate future
32 disasters as defined in section 29C.2.
33 d. Energy conservation measures for low-income
34 homeowners, low-income energy assistance programs, and
35 weatherization programs.
36 e. Public safety, including the equipping of fire,
37 police, emergency services, sanitation, street, and
38 civil defense departments.
39 f. The establishment, construction,
40 reconstruction, repair, equipping, remodeling, and
41 extension of public works, public utilities, and
42 public transportation systems.
43 g. The construction, reconstruction, or repair of
44 streets, highways, bridges, sidewalks, pedestrian
45 underpasses and overpasses, street lighting fixtures,
46 and public grounds, and the acquisition of real estate
47 needed for such purposes.
48 h. Property tax abatements, building permit fee
49 abatements, and abatement of other fees for property
50 damaged by a disaster as defined in section 29C.2.

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1 i. Economic development activities and projects.
2 Sec. 221. CERTAIN FRANCHISE FEES DECLARED LEGAL.
3 To the extent that any amount of franchise fees
4 assessed by and paid to a city prior to the effective
5 date of this division of this Act, pursuant to a
6 franchise agreement between a city and any person to
7 erect, maintain, and operate plants and systems for
8 electric light and power, heating, telegraph, district
9 telegraph and alarm, motor bus, trolley bus, street
10 railway or other public transit, waterworks, or
11 gasworks, exceeds the city's reasonable costs of
12 inspecting, supervising, and otherwise regulating the
13 franchise, such amount is deemed and declared to be
14 authorized and legally assessed by and paid to the
15 city.
16 Sec. 222. EFFECTIVE DATE. This division of this
17 Act, being deemed of immediate importance, takes
18 effect upon enactment."

Amendment [H-1730](#) was adopted.

The House stood at ease at 10:22 p.m., until the fall of the gavel.

The House resumed session at 11:52 p.m., Speaker Murphy in the chair.

[SENATE FILE 478](#) SUBSTITUTED FOR [HOUSE FILE 830](#)

Oldson of Polk asked and received unanimous consent to substitute [Senate File 478](#) for [House File 830](#).

[Senate File 478](#), 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 date and retroactive and other applicability provisions, was taken up for consideration.

Raecker of Polk offered the following amendment [H-1734](#) filed by him from the floor and moved its adoption:

[H-1734](#)

1 Amend [Senate File 478](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 9, by inserting after line 28 the
4 following:
5 "Sec. _____. COLLECTIVE BARGAINING AGREEMENT –
6 RENEGOTIATION.
7 1. The general assembly finds that in order to
8 avoid layoffs, reductions in salary costs must be
9 achieved. As a result, the governor, the state court
10 administrator, and the state board of regents shall
11 renegotiate the collective bargaining agreements that
12 are in effect during the fiscal year beginning July 1,
13 2009, and ending June 30, 2010, with the state labor
14 unions.
15 2. Pursuant to section 20.28, the provisions of
16 this section shall supersede any contrary provisions
17 of a collective bargaining agreement and the governor,
18 the state court administrator, and the state board of
19 regents shall renegotiate all of the following salary
20 terms in the collective bargaining agreements that are
21 in effect during the fiscal year beginning July 1,
22 2009, and ending June 30, 2010, with the state labor
23 unions:
24 a. For annual salaries of less than forty thousand
25 dollars, a two percent reduction.
26 b. For annual salaries of forty thousand dollars
27 or more but less than fifty thousand dollars, a four
28 percent reduction.
29 c. For annual salaries of fifty thousand dollars
30 or more but less than one hundred thousand dollars, a
31 seven percent reduction.
32 d. For annual salaries of one hundred thousand
33 dollars or more, a ten percent reduction.
34 3. For the fiscal year beginning July 1, 2009, and
35 ending June 30, 2010, the salary reductions provided
36 in subsection 2 shall apply to all pay plans provided
37 for in section 8A.413, subsection 3.
38 4. For the fiscal year beginning July 1, 2009, and
39 ending June 30, 2010, the salary reductions provided
40 in subsection 2 shall apply to state board of regents
41 employees not covered by a collective bargaining
42 agreement.
43 5. For the fiscal year beginning July 1, 2009, and
44 ending June 30, 2010, the salary reductions provided
45 in subsection 2 shall apply to all employees in the
46 legislative and judicial branch not covered by a
47 collective bargaining agreement.
48 6. Any moneys appropriated from the state general
49 fund to a department, commission, board, agency, the
50 state board of regents, the judicial branch, or the

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1 legislative branch for purposes of salaries that are
 2 not expended as a result of the salary reductions
 3 under this section shall remain in the general fund
 4 and shall not be expended for any other purpose."
 5 2. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Koester of Polk.

On the question "Shall amendment [H-1734](#) be adopted?" ([S.F. 478](#))

The ayes were, 43:

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

The nays were, 55:

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

Absent or not voting, 2:

Chambers De Boef

Amendment [H-1734](#) lost.

Raecker of Polk offered the following amendment [H-1735](#) filed by him from the floor and moved its adoption:

[H-1735](#)

1 Amend [Senate File 478](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 9, by inserting after line 28 the
4 following:
5 "Sec. _____. COLLECTIVE BARGAINING AGREEMENT –
6 RENEGOTIATION.
7 1. The general assembly finds that state employees
8 should not pay less for health insurance than people
9 using the hawk-i program under chapter 514I. As a
10 result, the governor, the state court administrator,
11 and the state board of regents shall renegotiate the
12 collective bargaining agreements that are in effect
13 during the fiscal year beginning July 1, 2009, and
14 ending June 30, 2010, with the state labor unions.
15 2. Pursuant to section 20.28, the provisions of
16 this section shall supersede any contrary provision of
17 a collective bargaining agreement and the governor,
18 the state court administrator, and the state board of
19 regents shall renegotiate the health benefits terms in
20 any collective bargaining agreements that are in
21 effect during the fiscal year beginning July 1, 2009,
22 and ending June 30, 2010, with the state labor unions
23 for purposes of reducing the state's obligation for
24 health insurance benefits by fifty dollars per month
25 per employee and requiring each employee covered by
26 such contracts to contribute an additional fifty
27 dollars per month for health insurance benefits.
28 3. For the fiscal year beginning July 1, 2009, and
29 ending June 30, 2010, the health insurance benefit
30 terms provided in subsection 2 shall apply to all
31 employees not covered under a collective bargaining
32 agreement in the legislative branch, the judicial
33 branch, and the executive branch including employees
34 of the state board of regents.
35 4. Any moneys appropriated from the state general
36 fund to a department, commission, board, agency, the
37 state board of regents, the judicial branch, or the
38 legislative branch for purposes of health insurance
39 benefits that are not expended as a result of the
40 reduction in the state's obligations for employee
41 health insurance benefits under this section shall
42 remain in the general fund and shall not be expended
43 for any other purpose."
44 2. By renumbering as necessary.

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

On the question "Shall amendment [H-1735](#) be adopted?" ([S.F. 478](#))

The ayes were, 42:

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

The nays were, 54:

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

Absent or not voting, 4:

Chambers	De Boef	McCarthy	Reichert
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Amendment [H-1735](#) lost.

Willems of Linn offered the following amendment [H-1736](#) filed by him from the floor and moved its adoption:

[H-1736](#)

- 1 Amend [Senate File 478](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by inserting after line 34 the
- 4 following:
- 5 "Sec.____. DEPARTMENT OF ADMINISTRATIVE SERVICES

6 –JOB EVALUATION AND CLASSIFICATION STUDY.
7 1. For the fiscal year beginning July 1, 2009, and
8 ending June 30, 2010, the department of administrative
9 services shall conduct a job evaluation study of state
10 employees for the purpose of determining whether the
11 job classification and pay grade level of selected
12 state employees are properly determined.
13 2. In conducting the study, the department shall
14 provide a job evaluation questionnaire to a randomly
15 selected sample of state employees within particular
16 job classifications. The department shall examine
17 each questionnaire and determine, based upon an
18 evaluation system established by the department,
19 whether the particular state employee is properly
20 classified and assigned an appropriate pay grade. If
21 the department makes an initial determination that the
22 state employee is improperly classified, the
23 department shall allow the employer of the state
24 employee a reasonable opportunity to respond to the
25 alleged misclassification. If the department makes a
26 final determination that the state employee is
27 misclassified, the department shall direct the
28 employer of the state employee, within fourteen days
29 of the determination by the department, to properly
30 classify the state employee within the proper job
31 classification and pay grade."
32 2. By renumbering as necessary.

Amendment [H-1736](#) was adopted.

Heddens of Story offered the following amendment [H-1773](#) filed by her from the floor and moved its adoption:

[H-1773](#)

1 Amend [Senate File 478](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 13, line 20, by inserting after the word
4 "regents" the following: ", the department of human
5 services,".
6 2. Page 13, line 23, by inserting after the word
7 "regents" the following: ", the department of human
8 services,".
9 3. Page 71, by striking lines 17 through 28, and
10 inserting the following:
11 "Sec. ____ MEDICAID ENTERPRISE STUDY. The
12 department of human services shall explore
13 incorporating data mining, predictive modeling, and
14 data analytics which may include automated claims
15 review, to address provider overpayments,

16 underpayments, and fraud within the Iowa Medicaid
17 enterprise for the fiscal period beginning July 1,
18 2006, and ending June 30, 2009. The review shall
19 assume only Iowa-specific models, patterns, and trend
20 data. The department shall issue a request for
21 proposals to competitively procure such services no
22 later than August 1, 2009. If the results from the
23 request for proposals demonstrate that such an
24 approach will provide a net benefit to the state, the
25 department shall enter into a contract for such
26 services no later than September 30, 2009."

Amendment [H-1773](#) was adopted.

Kaufmann of Cedar offered the following amendment [H-1776](#) filed
by him and Swaim of Davis from the floor and moved its adoption:

[H-1776](#)

1 Amend [Senate File 478](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 29, by inserting after line 7 the
4 following:
5 "Sec. ____ Section 321J.12, subsection 2,
6 paragraph d, Code 2009, is amended to read as follows:
7 d. A person whose license or privileges have been
8 revoked under subsection 1, paragraph "b", for one
9 year shall not be eligible for any temporary
10 restricted license for forty-five days after the
11 effective date of the revocation if the person has had
12 one previous revocation under this chapter, or for one
13 year after the effective date of the revocation, and
14 the if the person has had more than one previous
15 revocation under this chapter. The person shall be
16 ordered to install an ignition interlock device of a
17 type approved by the commissioner of public safety on
18 all vehicles owned or operated by the defendant if the
19 defendant seeks a temporary restricted license at the
20 end of the minimum period of ineligibility. A
21 temporary restricted license shall not be granted by
22 the department until the defendant installs the
23 ignition interlock device."
24 2. By renumbering as necessary.

Amendment [H-1776](#) was adopted.

Oldson of Polk offered amendment [H-1780](#) filed by her from the
floor and requested division as follows:

[H-1780](#)

1 Amend [Senate File 478](#), as amended, passed, and
2 reprinted by the Senate, as follows:

[H-1780A](#)

3 1. Page 29, by inserting after line 14 the
4 following:

5 "Sec.____. There is appropriated from the general
6 fund of the state to the council on homelessness for
7 the fiscal year beginning July 1, 2009, and ending
8 June 30, 2010, the following amount, or so much
9 thereof as is necessary, to be used for the purposes
10 designated:

11 For the payment of expenses provided under section
12 16.100A, subsection 6, paragraph "d":
13 \$ 5,000

14 Sec.____. FARMERS WITH DISABILITIES. There is
15 appropriated from the general fund of the state to the
16 department of education, vocational rehabilitation
17 services division for the fiscal year beginning July
18 1, 2009, and ending June 30, 2010, the following
19 amount, or so much thereof as is necessary, to be used
20 for the purposes designated:

21 For a program for farmers with disabilities:
22 \$ 108,000

23 Moneys appropriated for purposes of this section
24 shall be used for the public purpose of providing a
25 grant to a national nonprofit organization with over
26 80 years of experience in assisting children and
27 adults with disabilities and special needs. The funds
28 shall be used for a nationally recognized program that
29 began in 1986 and has been replicated in at least 30
30 other states, but which is not available through any
31 other entity in this state, that provides assistance
32 to farmers with disabilities in all 99 counties to
33 allow the farmers to remain in their own homes and be
34 gainfully engaged in farming through provision of
35 agricultural worksite and home modification
36 consultations, peer support services, services to
37 families, information and referral, and equipment loan
38 services."

39 2. Page 33, by striking lines 24 through 34.

40 3. By striking page 35, line 21, through page 38,
41 line 10.

[H-1780B](#)

42 4. Page 43, by inserting after line 14 the
43 following:

44 "Sec.____. Section 216B.5, Code 2009, is amended

H-1780B

45 to read as follows:
 46 216B.5 DIRECTOR – COMMISSION EMPLOYEES.
 47 1. The commission may employ staff who shall be
 48 qualified by experience to assume the responsibilities
 49 of the offices.
 50 2. The governor shall appoint a director of the

Page 2

1 department for the blind subject to confirmation by
 2 the senate. The director shall possess a background
 3 in administrative experience and in programs and
 4 services for persons who are blind and shall serve at
 5 the pleasure of the governor. The director shall be
 6 the administrative officer of the commission and shall
 7 be responsible for implementing policy set by the
 8 commission. The director shall carry out programs and
 9 policies as determined by the commission.
 10 Sec.____. NEW SECTION. 261.4A DIRECTOR OF THE
 11 COMMISSION.
 12 The governor shall appoint a director of the
 13 college student aid commission subject to confirmation
 14 by the senate. The director shall possess a
 15 background in student financial aid and administrative
 16 experience and shall serve at the pleasure of the
 17 governor."

H-1780A

18 5. Page 44, by striking lines 20 through 24.
 19 6. Page 47, by striking lines 5 through 15.
 20 7. Page 48, by striking lines 18 through 28.
 21 8. Page 50, by inserting after line 11 the
 22 following:
 23 "Sec.____. Section 423A.2, subsection 3, Code
 24 2009, is amended to read as follows:
 25 3. "Lodging" means rooms, apartments, or sleeping
 26 quarters in a hotel, motel, inn, public lodging house,
 27 rooming house, or manufactured or mobile home which is
 28 tangible personal property, or in a tourist court, or
 29 in any place where sleeping accommodations are
 30 furnished to transient guests for rent, whether with
 31 or without meals. Lodging does not include rooms that
 32 are not used for sleeping accommodations."
 33 9. Page 53, by striking lines 25 through 28.
 34 10. Page 57, by striking line 26 and inserting
 35 the following:
 36 "..... \$ 225,602"
 37 11. By striking page 63, line 20, through page
 38 65, line 3.

[H-1780A](#)

- 39 12. By striking page 66, line 5, through page 68,
40 line 19.
- 41 13. Page 70, line 34, by striking the words
42 "community recovery centers" and inserting the
43 following: "area long-term recovery committees".
- 44 14. Page 71, line 35, by inserting after the word
45 "for" the following: "medically necessary".
- 46 15. Page 72, line 6, by inserting after the word
47 "Such" the following: "medically necessary".
- 48 16. Page 96, by striking lines 7 through 18.
- 49 17. By renumbering as necessary.

Oldson of Polk moved the adoption of amendment [H-1780A](#).

Amendment [H-1780A](#) was adopted, placing out of order the following amendments filed from the floor:

- Amendment [H-1746](#) filed by Watts of Dallas.
Amendment [H-1750](#) filed by Thomas of Clayton.
Amendment [H-1757](#) filed by R. Olson of Polk.
Amendment [H-1766](#) filed by Thomas of Clayton.
Amendment [H-1769](#) filed by Shomshor of Pottawattamie.

Wendt of Woodbury asked and received unanimous consent to withdraw amendment [H-1731](#) filed by him, Hunter of Polk, Watts of Dallas, Dolecheck of Ringgold and May of Dickinson from the floor.

Alons of Sioux offered the following amendment [H-1753](#) filed by him and Roberts of Carroll from the floor and moved its adoption:

[H-1753](#)

- 1 Amend [Senate File 478](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 33, by striking lines 4 through 23.
4 2. By renumbering as necessary.

Amendment [H-1753](#) lost.

Raecker of Polk asked and received unanimous consent that amendment [H-1745](#) and amendment [H-1742](#) be deferred.

Horbach of Tama asked and received unanimous consent that amendment [H-1740](#) be deferred.

Horbach of Tama offered the following amendment [H-1745](#), previously deferred, filed by him from the floor and moved its adoption:

[H-1745](#)

- 1 Amend [Senate File 478](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 38, by striking lines 26 through 33.
- 4 2. By renumbering as necessary.

Amendment [H-1745](#) was adopted.

Horbach of Tama asked and received unanimous consent to withdraw amendment [H-1742](#), previously deferred, filed by him from the floor.

Horbach of Tama asked and received unanimous consent to withdraw amendment [H-1740](#), previously deferred, filed by him from the floor, placing out of order amendment [H-1741](#) filed by Horbach of Tama from the floor and amendment [H-1744](#) filed by Horbach of Tama from the floor.

Reichert of Muscatine asked and received unanimous consent to withdraw amendment [H-1775](#) filed by him from the floor.

The following amendments filed from the floor were withdrawn by unanimous consent.

- Amendment [H-1770](#) filed by Hunter of Polk.
- Amendment [H-1748](#) filed by Thomas of Clayton.
- Amendment [H-1754](#) filed by Hunter of Polk.
- Amendment [H-1760](#) filed by Roberts of Carroll.
- Amendment [H-1780B](#) filed by Oldson of Polk.

Schultz of Crawford offered amendment [H-1763](#) filed by him and Windschitl of Harrison, from the floor, as follows:

[H-1763](#)

1 Amend [Senate File 478](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 54, by inserting after line 1 the
4 following:
5 "Sec. _____. NEW SECTION. 598C.1 UNBORN CHILD –
6 FINDINGS – RIGHTS, PRIVILEGES, AND IMMUNITIES – NO
7 CAUSE OF ACTION.
8 1. The general assembly of this state finds all of
9 the following:
10 a. The life of each human being begins at
11 conception.
12 b. An unborn child has protectable interests in
13 life, health, and well-being.
14 c. The biological parent of an unborn child has
15 protectable interests in the life, health, and
16 well-being of the unborn child.
17 2. The laws of this state shall be interpreted and
18 construed to acknowledge on behalf of an unborn child
19 at every stage of development, all the rights,
20 privileges, and immunities available to other persons,
21 citizens, and residents of this state.
22 3. As used in this section, "unborn child" means
23 the offspring of a human being from the moment of
24 conception until birth at every stage of biological
25 development.
26 4. Nothing in this section shall be interpreted to
27 create a cause of action against a woman for
28 indirectly harming the woman's unborn child by failing
29 to properly care for herself or by failing to follow
30 any particular program of prenatal care."
31 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment [H-1763](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1763](#) not germane.

Schultz of Crawford moved to suspend the rules to consider amendment [H-1763](#).

Roll call was requested by Schultz of Crawford and Windschitl of Harrison.

On the question "Shall the rules be suspended to consider amendment [H-1763](#)?" (S. F. 478)

The ayes were, 43:

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

The nays were, 55:

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

Absent or not voting, 2:

Chambers De Boef

The motion to suspend the rules lost.

Windschitl of Harrison offered amendment [H-1771](#) filed by him from the floor as follows:

[H-1771](#)

- 1 Amend [Senate File 478](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 54, by inserting after line 1 the
- 4 following:
- 5 "Sec. ____ NEW SECTION. 595.21 NONRESIDENTS –
- 6 MARRIAGE CONTRARY TO LAWS OF STATE RESIDENCE.
- 7 1. No marriage shall be contracted in this state
- 8 by a party residing and intending to reside in another

9 jurisdiction if the marriage to be contracted in this
10 state would be void if contracted in the other
11 jurisdiction.
12 2. Every marriage contracted in this state that is
13 in violation of this section shall be null and void."
14 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment [H-1771](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1771](#) not germane.

Pettengill of Benton offered amendment [H-1764](#) filed by her from the floor as follows:

[H-1764](#)

1 Amend [Senate File 478](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 56, by inserting after line 10 the
4 following:
5 "Sec. ____ Section 103.1 through 103.39, Code
6 2009, and those sections of chapter 103 published in
7 the 2009 Code Supplement, are repealed."

Oldson of Polk rose on a point of order that amendment [H-1764](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1764](#) not germane.

Pettengill of Benton moved to suspend the rules to consider amendment [H-1764](#).

Roll call was requested by Pettengill of Benton and Sands of Louisa.

On the question "Shall the rules be suspended to consider amendment [H-1764](#)?" ([S.F. 478](#))

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Cownie	Deyoe	Dolecheck	Drake

Forristall	Frevert	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Lensing	Lykam	Marek	Mascher
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 4:

Chambers	De Boef	Kuhn	McCarthy
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The motion to suspend the rules lost.

Pettengill of Benton offered amendment [H-1767](#) filed by her from the floor as follows:

[H-1767](#)

- 1 Amend [Senate File 478](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 56, by inserting after line 10 the
- 4 following:
- 5 "Sec.____. Sections 105.1 through 105.30, Code
- 6 2009, and those sections of chapter 105 published in
- 7 the 2009 Code Supplement, are repealed."
- 8 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment [H-1767](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1767](#) not germane.

Pettengill of Benton moved to suspend the rules to consider amendment [H-1767](#).

Roll call was requested by Pettengill of Benton and Sands of Louisa.

On the question "Shall the rules be suspended to consider amendment [H-1767](#)?" ([S.F. 478](#))

The ayes were, 44

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

The nays were, 53:

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

Absent or not voting, 3:

Chambers	De Boef	Frevert
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The motion to suspend the rules lost.

Sweeney of Hardin asked and received unanimous consent to withdraw amendment [H-1756](#) filed by her from the floor.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment [H-1737](#) filed by him from the floor.

Ford of Polk offered the following amendment [H-1772](#) filed by him, Winckler of Scott, Abdul-Samad of Polk, Burt of Black Hawk and Smith of Marshall from the floor and moved its adoption:

[H-1772](#)

1 Amend [Senate File 478](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 59, by inserting after line 25 the
 4 following:
 5 "Sec. _____. COMPULSORY SCHOOL ATTENDANCE AGE –
 6 WORKING GROUP.
 7 1. Of the amount appropriated from the human
 8 services reinvestment fund created in 2009 Iowa Acts,
 9 [House File 820](#), if enacted, to the legislative
 10 services agency for the fiscal year beginning July 1,
 11 2009, and ending June 30, 2010, \$115,000 is
 12 transferred to the department of education to be used
 13 for costs associated with the working group convened
 14 pursuant to subsection 2.
 15 2. The department of education shall convene a
 16 working group comprised of the director of the
 17 department of education, or the director's designee,
 18 and other education stakeholders appointed by the
 19 department to review supports for students affected by
 20 an increase in the compulsory attendance age from
 21 sixteen to eighteen years of age. The working group
 22 shall consider, at a minimum, the necessity of
 23 expansion of support programs and services for such
 24 students, online at-risk academy courses, career
 25 academies, and current at-risk allowable growth
 26 provisions, and full funding of the instructional
 27 support levy. The working group shall submit its
 28 findings and recommendations, including any proposed
 29 changes in policy or statute, to the state board of
 30 education and the general assembly by January 15,
 31 2010."

Amendment [H-1772](#) was adopted.

Sweeney of Hardin asked and received unanimous consent to withdraw amendment [H-1738](#) filed by her from the floor.

T. Olson of Linn offered the following amendment [H-1779](#) filed by him and Grassley of Butler from the floor and moved its adoption:

[H-1779](#)

1 Amend [Senate File 478](#), as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 69, by striking line 21 and inserting the
4 following: "7,850,000".

5 2. Page 69, line 24, by striking the word
6 "disaster" and inserting the following: "~~disaster~~
7 recovery".

8 3. Page 70, by striking lines 2 through 21 and
9 inserting the following:
10 "Sec. ____ REBUILD IOWA OFFICE – APPROPRIATION.

11 1. There is appropriated from the Iowa economic
12 emergency fund created in section 8.55 to the rebuild
13 Iowa office for the fiscal year beginning July 1,
14 2008, and ending June 30, 2009, the following amount,
15 or so much thereof as is necessary, to be used for
16 purposes of this section:

17 \$ 1,150,000

18 2. From the moneys appropriated in this section,
19 the rebuild Iowa office shall distribute \$1,150,000 to
20 cities adversely impacted by tornadoes during the
21 incident period identified by Presidential Disaster DR
22 1763-IA. The rebuild Iowa office shall distribute
23 moneys to all of the following adversely impacted
24 political subdivisions:

25 a. For Marion county for the benefit of Attica:
26 \$ 25,000

27 b. For Dunkerton:
28 \$ 50,000

29 c. For Fairbank:
30 \$ 50,000

31 d. For Hazleton:
32 \$ 50,000

33 e. For New Hartford:
34 \$ 200,000

35 f. For Delaware county for the benefit of Oneida:
36 \$ 25,000

37 g. For Parkersburg:
38 \$ 750,000"

39 4. Page 70, line 34, by striking the words
40 "community recovery centers" and inserting the
41 following: "area long-term recovery committees".

Amendment [H-1779](#) was adopted.

Thomas of Clayton offered the following amendment [H-1749](#) filed by him from the floor and moved its adoption:

[H-1749](#)

- 1 Amend [Senate File 478](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 79, by striking lines 24 through 30.
- 4 2. By renumbering as necessary.

Amendment [H-1749](#) was adopted.

Thomas of Clayton offered the following amendment [H-1739](#) filed by him and Berry of Black Hawk from the floor and moved its adoption:

[H-1739](#)

- 1 Amend [Senate File 478](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 80, by inserting before line 16 the
- 4 following:
- 5 "DIVISION____
- 6 DATA CENTERS
- 7 Sec.____. Section 423.3, Code 2009, is amended by
- 8 adding the following new subsection:
- 9 NEW SUBSECTION. 95. a. (1) The sales price from
- 10 the sale or rental of computers and equipment that are
- 11 necessary for the maintenance and operation of a data
- 12 center business and property whether directly or
- 13 indirectly connected to the computers, including but
- 14 not limited to cooling systems, cooling towers, and
- 15 other temperature control infrastructure; power
- 16 infrastructure for transformation, distribution, or
- 17 management of electricity used for the maintenance and
- 18 operation of the data center business, including but
- 19 not limited to exterior dedicated business-owned
- 20 substations, backup power generation systems, battery
- 21 systems, and related infrastructure; and racking
- 22 systems, cabling, and trays, which are necessary for
- 23 the maintenance and operation of the data center
- 24 business.
- 25 (2) The sales price of backup power generation
- 26 fuel that is purchased by a data center business for
- 27 use in the items listed in subparagraph (1).
- 28 (3) The sales price of electricity purchased for
- 29 use by a data center business.
- 30 b. For the purpose of claiming this exemption, all
- 31 of the following requirements shall be met:

32 (1) The purchaser or renter shall be a data center
33 business.
34 (2) The data center business shall have a physical
35 location in the state that is, in the aggregate, at
36 least five thousand square feet in size that is used
37 for the operations and maintenance of the data center
38 business.
39 (3) The data center business shall make a minimum
40 investment in an Iowa physical location of two hundred
41 million dollars within the first six years of
42 operation in Iowa beginning with the date the data
43 center business initiates site preparation activities.
44 The minimum investment includes the initial
45 investment, including land and subsequent acquisition
46 of additional adjacent land and subsequent investment
47 at the Iowa location.
48 (4) The data center business shall comply with the
49 sustainable design and construction standards
50 established by the state building code commissioner

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1 pursuant to section 103A.8B.
2 c. This exemption applies from the date of the
3 initial investment in or the initiation of site
4 preparation activities for the data center business
5 facility as described in paragraph "b".
6 d. Failure to meet eighty percent of the minimum
7 investment amount requirement specified in paragraph
8 "b" within the first six years of operation from the
9 date the data center business initiates site
10 preparation activities will result in the data center
11 business losing the right to claim this data center
12 business exemption and the data center business shall
13 pay all sales or use tax that would have been due on
14 the purchase or rental or use of the items listed in
15 this exemption, plus any applicable penalty and
16 interest imposed by statute.
17 e. For purposes of this subsection:
18 (1) "Data center" means a building rehabilitated
19 or constructed to house a group of networked server
20 computers in one physical location in order to
21 centralize the storage, management, and dissemination
22 of data and information pertaining to a particular
23 business, taxonomy, or body of knowledge. A data
24 center business's facility typically includes the
25 mechanical and electrical systems, redundant or backup
26 power supplies, redundant data communications
27 connections, environmental controls, and fire
28 suppression systems. A data center business's
29 facility also includes a restricted access area
30 employing advanced physical security measures such as

31 video surveillance systems and card-based security or
32 biometric security access systems.

33 (2) "Data center business" means an entity whose
34 business among other businesses, is to operate a data
35 center.

36 Sec. _____. Section 423.4, subsection 8, Code 2009,
37 is amended to read as follows:

38 8. a. The owner of ~~an information technology~~
39 facility a data center business, as defined in section
40 423.3, subsection 95, located in this state ~~on July 1,~~
41 ~~2007, and having a primary business with a North~~
42 ~~American industry classification system number 518210~~
43 ~~or 541510 as verified by the department of economic~~
44 ~~development using nationally recognized third-party~~
45 ~~sources such as Hoovers, Harris Directory or others~~
46 ~~designated by the department of economic development,~~
47 may make an annual application for up to five
48 consecutive years to the department for the refund of
49 fifty percent of the sales or use tax upon the sales
50 price of all sales of fuel used in creating heat,

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1 power, and steam for processing or generating
2 electrical current, or from the sale of electricity
3 consumed by computers, machinery, or other equipment
4 for operation of the ~~technology~~ data center business
5 facility.

6 b. ~~An information technology facility~~ A data
7 center business shall qualify for the refund in this
8 subsection if all of the following criteria are met:

9 (1) ~~The facility's six digit North American~~
10 ~~industry classification system number 518210 or 541510~~
11 ~~indicates that the facility is primarily engaged in~~
12 ~~providing computer related services~~ data center
13 business shall make an investment in an Iowa physical
14 location within the first three years of operation in
15 Iowa beginning with the date on which the data center
16 business initiates site preparation activities.

17 (2) ~~The amount of the investment in an Iowa~~
18 ~~physical location, including the value of a lease~~
19 ~~agreement, or an investment in land or buildings, and~~
20 ~~the capital expenditures for computers, machinery, and~~
21 ~~other equipment used in the operation of the facility~~
22 ~~equals data center business shall equal~~ at least one
23 million dollars, but shall not exceed ten million
24 dollars for a newly constructed building or five
25 million dollars for a rehabilitated building.

26 (3) ~~If the data center business is leasing a~~
27 ~~building to house operations, the data center business~~
28 ~~shall enter into a lease that is at least five years~~
29 in duration.

30 ~~(3)~~ (4) The facility is certified as meet the
31 Leadership in Energy and Environmental Design (LEED)
32 standards data center business shall comply with the
33 sustainable design and construction standards
34 established by the state building code commissioner
35 pursuant to section 103A.8B.

36 c. The refund may be obtained only in the
37 following manner and under the following conditions:

38 (1) The applicant shall use forms furnished by the
39 department.

40 (2) The applicant shall separately list the
41 amounts of sales and use tax paid during the reporting
42 period.

43 (3) The applicant may request when the refund
44 begins, but it must start on the first day of a month
45 and proceed for a continuous twelve-month period.

46 d. In determining the amount to be refunded, if
47 the dates of the utility billing or meter reading
48 cycle for the sale or furnishing of metered gas and
49 electricity are on or after the first day of the first
50 month through the last day of the last month of the

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1 refund year, ~~the full fifty percent of the~~ amount of
2 tax charged in the billings shall be refunded. In
3 determining the amount to be refunded, if the dates of
4 the sale or furnishing of fuel for purposes of
5 commercial energy and the delivery of the fuel are on
6 or after the first day of the first month through the
7 last day of the last month of the refund year, ~~the~~
8 ~~full fifty percent of the~~ amount of tax charged in th
9 billings shall be refunded.

10 e. To receive refunds during the five-year period,
11 the applicant shall file a refund claim within three
12 months after the end of each refund year.

13 f. The refund in this subsection applies only to
14 state sales and use tax paid and does not apply to
15 local option sales and services taxes imposed pursuant
16 to ~~chapters chapter 423B and 423E.~~ Notwithstanding
17 the state sales tax imposed in section 423.2, a refund
18 issued pursuant to this section shall not exceed an
19 amount equal to five percent of the sales price of the
20 fuel used to create heat, power, and steam for
21 processing or generating electrical current or from
22 the sale price of electricity consumed by computers,
23 machinery, or other equipment for operation of the
24 data center business facility.

25 Sec. _____. Section 423.4, Code 2009, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 9. a. The owner of a data center
28 business, as defined in section 423.3, subsection 95,

29 paragraph "e", located in this state that is not
30 eligible for the exemption under section 423.3,
31 subsection 95, may make an annual application to the
32 department for the refund of fifty percent of the
33 sales or use tax upon all of the following:

34 (1) The sales price from the sale or rental of
35 computers and equipment that are necessary for the
36 maintenance and operation of a data center business
37 and property whether directly or indirectly connected
38 to the computers, including but not limited to cooling
39 systems, cooling towers, and other temperature control
40 infrastructure; power infrastructure for
41 transformation, distribution, or management of
42 electricity used for the maintenance and operation of
43 the data center business including but not limited to
44 exterior dedicated business-owned substations, backup
45 power generation systems, battery systems, and related
46 infrastructure; and racking systems, cabling, and
47 trays, which are necessary for the maintenance and
48 operation of the data center business.

49 (2) The sales price of backup power generation
50 fuel that is purchased by a data center business for

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1 use in the items listed in subparagraph (1).

2 (3) The sales price of electricity purchased for
3 use in providing data center services.

4 b. A data center business shall qualify for the
5 partial refund in this subsection if all of the
6 following criteria are met:

7 (1) The data center business shall have a physical
8 location in the state which is at least five thousand
9 square feet in size.

10 (2) The data center business shall make a minimum
11 investment of at least ten million dollars, in the
12 case of new construction, or at least five million
13 dollars in the case of a rehabilitated building, in an
14 Iowa physical location within the first six years of
15 operation in Iowa, beginning with the date on which
16 the data center business initiates site preparation
17 activities. The minimum investment includes the
18 initial investment, including the value of a lease
19 agreement or the amount invested in land and
20 subsequent acquisition of additional adjacent land and
21 subsequent investment at the Iowa location.

22 (3) If the data center business is leasing a
23 building to house operations, the data center business
24 shall enter into a lease that is at least five years
25 in duration.

26 (4) The data center business shall comply with the
27 sustainable design and construction standards

28 established by the state building code commissioner
29 pursuant to section 103A.8B.
30 c. The refund allowed under this subsection shall
31 be available for the following periods of time:
32 (1) For an investment of at least ten million
33 dollars, in the case of new construction, or at least
34 five million dollars, in the case of a rehabilitated
35 building, but less than one hundred thirty-six million
36 dollars, ten years.
37 (2) For an investment of at least one hundred
38 thirty-six million dollars, but less than two hundred
39 million dollars, seven years.
40 d. The refund may be obtained only in the
41 following manner and under the following conditions:
42 (1) The applicant shall use forms furnished by the
43 department.
44 (2) The applicant shall separately list the
45 amounts of sales and use tax paid during the reporting
46 period.
47 (3) The applicant may request when the refund
48 begins, but it must start on the first day of a month
49 and proceed for a continuous twelve-month period.
50 e. In determining the amount to be refunded, if

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1 the dates of the utility billing or meter reading
2 cycle for the sale or furnishing of metered gas and
3 electricity are on or after the first day of the first
4 month through the last day of the last month of the
5 refund year, fifty percent of the amount of tax
6 charged in the billings shall be refunded. In
7 determining the amount to be refunded, if the dates of
8 the sale or furnishing of fuel for purposes of
9 commercial energy and the delivery of the fuel are on
10 or after the first day of the first month through the
11 last day of the last month of the refund year, fifty
12 percent of the amount of tax charged in the billings
13 shall be refunded.
14 f. To receive refunds during the applicable refund
15 period, the applicant shall file a refund claim within
16 three months after the end of each refund year.
17 g. The refund in this subsection applies only to
18 state sales and use tax paid and does not apply to
19 local option sales and services taxes imposed pursuant
20 to chapter 423B. Notwithstanding the state sales tax
21 imposed in section 423.2, a refund issued pursuant to
22 this section shall not exceed an amount equal to five
23 percent of the sales price of the items listed in
24 paragraph "a", subparagraphs (1), (2), and (3).
25 Sec.____. Section 427.1, Code 2009, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 37. DATA CENTER BUSINESS
 28 PROPERTY.
 29 a. Property, other than land and buildings and
 30 other improvements, that is utilized by a data center
 31 business as defined in and meeting the requirements of
 32 section 423.3, subsection 95, including computers and
 33 equipment that are necessary for the maintenance and
 34 operation of a data center business and other property
 35 whether directly or indirectly connected to the
 36 computers, including but not limited to cooling
 37 systems, cooling towers, and other temperature control
 38 infrastructure; power infrastructure for
 39 transformation, distribution, or management of
 40 electricity, including but not limited to exterior
 41 dedicated business-owned substations, and power
 42 distribution systems which are not subject to
 43 assessment under chapter 437A; racking systems,
 44 cabling, and trays; and backup power generation
 45 systems, battery systems, and related infrastructure
 46 all of which are necessary for the maintenance and
 47 operation of the data center business.
 48 b. This data center business exemption applies
 49 beginning with the assessment year the investment in
 50 or construction of the facility utilizing the

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1 materials, equipment, and systems set forth in
 2 paragraph "a" are first assessed.
 3 Sec.____. IMPLEMENTATION. Section 25B.7 does not
 4 apply to the property tax exemption enacted in this
 5 Act.
 6 Sec.____. APPLICABILITY DATE PROVISION. The
 7 sections of this Act providing sales and use tax
 8 refunds apply to sales and use tax paid on or after
 9 July 1, 2009."

Amendment [H-1739](#) was adopted.

Horbach of Tama asked and received unanimous consent to
 withdraw amendment [H-1743](#) filed by him from the floor.

Reichert of Muscatine offered the following amendment [H-1777](#)
 filed by him from the floor and moved its adoption:

[H-1777](#)

1 Amend [Senate File 478](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 89, line 9, through page 91,

- 4 line 12.
5 2. By renumbering as necessary.

Amendment [H-1777](#) was adopted.

Gaskill of Wapello offered the following amendment [H-1733](#) filed by her from the floor and moved its adoption:

[H-1733](#)

- 1 Amend [Senate File 478](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 93, by inserting after line 17 the
4 following:
5 "DIVISION ____
6 URBAN RENEWAL PROJECTS
7 Sec. ____ Section 423B.1, subsection 6, paragraph
8 c, Code 2009, is amended to read as follows:
9 c. Notwithstanding any other provision in this
10 section, a change in use of the local sales and
11 services tax revenues for purposes of funding an urban
12 renewal project pursuant to section 423B.10 does not
13 require an election, except as provided in section
14 423B.10, subsection 2.
15 Sec. ____ Section 423B.10, subsection 2, Code
16 2009, is amended to read as follows:
17 2. a. An eligible city may by ordinance of the
18 city council provide for the use of a designated
19 amount of the increased local sales and services tax
20 revenues collected under this chapter which are
21 attributable to retail establishments in an urban
22 renewal area to fund urban renewal projects located in
23 the area. The designated amount may be all or a
24 portion of such the increased revenues allocable to
25 the eligible city under section 423B.7.
26 b. Prior to consideration of an ordinance under
27 this section, a city council shall adopt a resolution
28 stating its intent to propose the ordinance. If
29 within thirty days of the adoption of the resolution,
30 a petition is filed with the clerk of the city in the
31 manner provided by section 362.4 asking that the
32 question of the use of a designated amount of the
33 increased revenues allocable to the city be submitted
34 to the registered voters of the city, the council
35 shall either by resolution declare the proposal to
36 have been abandoned or shall direct the county
37 commissioner of elections to call a special election
38 to be held on a date specified in section 39.2,
39 subsection 4, paragraph "b". If the vote in favor of
40 the proposition is equal to at least a majority of the

41 total votes cast for and against the proposition, the
42 city council may proceed with consideration of an
43 ordinance authorizing funding of urban renewal
44 projects as provided in paragraph "a".
45 c. If no petition is filed, the council may
46 proceed with consideration of an ordinance authorizing
47 funding of urban renewal projects as provided in
48 paragraph "a".
49 Sec.____. Section 423B.10, subsection 3,
50 unnumbered paragraph 1, Code 2009, is amended to read

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1 as follows:
2 To determine the revenue increase allocable to the
3 city for purposes of subsection 2, revenue amounts
4 shall be calculated by the department of revenue as
5 follows:
6 Sec.____. TAXES RECEIVED PRIOR TO EFFECTIVE DATE.
7 The amount of the increased local sales and services
8 taxes received by a city under chapter 423B prior to
9 the effective date of this Act that have been
10 designated by a city by ordinance to fund urban
11 renewal projects pursuant to section 423B.10 shall be
12 deposited in the city's special fund created in
13 section 403.19, subsection 2, and shall be used to
14 fund urban renewal projects located in an urban
15 renewal area.
16 Sec.____. OBLIGATIONS OF CITIES. This Act shall
17 not relieve, impair, or otherwise alter the
18 obligations of a city relating to bonds issued
19 pursuant to chapter 403 prior to the effective date of
20 this Act or contracts made prior to the effective date
21 of this Act in connection with an urban renewal
22 project."
23 2. By renumbering as necessary.

Raecker of Polk rose on a point of order that amendment [H-1733](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1733](#) not germane.

Gaskill of Wapello asked for unanimous consent to suspend the rules to consider amendment [H-1733](#).

Objection was raised.

Isenhart of Dubuque offered the following amendment [H-1761](#) filed by him from the floor and moved its adoption:

[H-1761](#)

1 Amend [Senate File 478](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 93, by inserting after line 17 the
4 following:
5 "DIVISION___
6 METHANE GAS CONVERSION PROPERTY
7 Sec.____. Section 427.1, subsection 29, paragraph
8 a, Code 2009, is amended to read as follows:
9 a. For purposes of this subsection, "methane gas
10 conversion property" means personal property, real
11 property, and improvements to real property, and
12 machinery, equipment, and computers assessed as real
13 property pursuant to section 427A.1, subsection 1,
14 paragraphs "e" and "j", used in an operation ~~connected~~
15 ~~with, or in conjunction with, a publicly owned~~
16 ~~sanitary landfill to decompose waste and convert the~~
17 ~~waste to gas, to collect methane gas or other gases~~
18 ~~produced as a by-product of waste decomposition and to~~
19 ~~convert the gas to energy, or to collect waste that~~
20 ~~would otherwise be collected by, or deposited with, a~~
21 ~~publicly owned sanitary landfill in order to decompose~~
22 ~~the waste to produce methane gas or other gases and to~~
23 ~~convert the gas to energy. However, property used to~~
24 ~~decompose the waste and convert the waste to gas is~~
25 ~~not eligible for this exemption.~~
26 Sec.____. Section 427.1, subsection 29, Code 2009,
27 is amended by adding the following new paragraph:
28 **NEW PARAGRAPH.** d. With respect to methane gas
29 conversion property other than that used in an
30 operation connected with, or in conjunction with, a
31 publicly owned sanitary landfill, the exemption
32 pursuant to this subsection shall be limited to
33 property originally placed in operation on or after
34 January 1, 2008, and on or before December 31, 2012,
35 and shall be available for the ten-year period
36 following the date the property was originally placed
37 in operation.
38 Sec.____. Section 437A.6, subsection 1, paragraph
39 d, Code 2009, is amended to read as follows:
40 d. Methane gas conversion property subject to
41 section 427.1, subsection 29, to the extent the
42 property is used in connection with, or in conjunction
43 with, a publicly owned sanitary landfill or used to
44 collect waste that would otherwise be collected by, or
45 deposited with, a publicly owned sanitary landfill.
46 Sec.____. IMPLEMENTATION. Section 25B.7 does not

47 apply to the property tax exemption amended in this
 48 division of this Act.
 49 Sec.____. EFFECTIVE AND APPLICABILITY DATES. This
 50 division of this Act, being deemed of immediate

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1 importance, takes effect upon enactment and applies
 2 retroactively to assessment years beginning on or
 3 after January 1, 2008. Notwithstanding section 427.1,
 4 subsection 29, paragraph "c", claims for exemption for
 5 the 2008 and 2009 assessment years shall be filed with
 6 the appropriate assessing authority on or before June
 7 30, 2009."
 8 2. By renumbering as necessary.

Amendment [H-1761](#) was adopted.

Sorenson of Warren offered amendment [H-1762](#) filed by him from
 the floor as follows:

[H-1762](#)

1 Amend [Senate File 478](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 93, by inserting after line 17 the
 4 following:
 5 "DIVISION____
 6 CARRYING OF WEAPONS
 7 Sec.____. Section 80A.13, Code 2009, is amended to
 8 read as follows:
 9 80A.13 CAMPUS WEAPON REQUIREMENTS.
 10 An individual employed by a college or university,
 11 or by a private security business holding a contract
 12 with a college or university, who performs private
 13 security duties on a college or university campus and
 14 who carries a weapon while performing these duties
 15 shall meet all of the following requirements:
 16 1. ~~File with the sheriff of the county in which~~
 17 ~~the campus is located evidence that the individual has~~
 18 ~~successfully completed an approved firearms training~~
 19 ~~program under section 724.9. This requirement does~~
 20 ~~not apply to armored car personnel.~~
 21 2. ~~Possess a permit to carry weapons issued by the~~
 22 ~~sheriff of the county in which the campus is located~~
 23 ~~under sections 724.6 through 724.11. This requirement~~
 24 ~~does not apply to armored car personnel.~~
 25 3. ~~File file~~ with the sheriff of the county in
 26 which the campus is located a sworn affidavit from the
 27 employer outlining the nature of the duties to be

28 performed and justification of the need to go armed.
29 Sec.____. Section 724.4, Code 2009, is amended to
30 read as follows:
31 724.4 CARRYING WEAPONS.
32 1. ~~Except as otherwise provided in this section, a~~
33 ~~person who goes armed with a dangerous weapon~~
34 ~~concealed on or about the person, or who, within the~~
35 ~~limits of any city, goes armed with a pistol or~~
36 ~~revolver, or any loaded firearm of any kind, whether~~
37 ~~concealed or not, or who knowingly carries or~~
38 ~~transports in a vehicle a pistol or revolver, commits~~
39 ~~an aggravated misdemeanor. A person who goes armed~~
40 with a dangerous weapon with the intent to commit a
41 crime of violence commits a class "D" felony. This
42 subsection applies regardless of whether the dangerous
43 weapon is concealed or not concealed on or about the
44 person and regardless of whether the dangerous weapon
45 is transported in a vehicle. For purposes of this
46 subsection, "crime of violence" means a felony which
47 has, as an element of the offense, the use of physical
48 force by one person against another person.
49 2. A person who goes armed with a knife concealed
50 on or about the person, if the person uses the knife

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1 in the commission of a crime, commits an aggravated
2 misdemeanor.
3 3. A person who goes armed with a knife concealed
4 on or about the person, if the person does not use the
5 knife in the commission of a crime:
6 a. If the knife has a blade exceeding eight inches
7 in length, commits an aggravated misdemeanor.
8 b. If the knife has a blade exceeding five inches
9 but not exceeding eight inches in length, commits a
10 serious misdemeanor.
11 4. ~~Subsections 1 through 3 do~~ Subsection 3 does
12 not apply to any of the following:
13 a. A person who goes armed with a dangerous weapon
14 in the person's own dwelling or place of business, or
15 on land owned or possessed by the person.
16 b. A peace officer, when the officer's duties
17 require the person to carry such weapons.
18 ~~e. A member of the armed forces of the United~~
19 ~~States or of the national guard or person in the~~
20 ~~service of the United States, when the weapons are~~
21 ~~carried in connection with the person's duties as~~
22 ~~such.~~
23 ~~d. A correctional officer, when the officer's~~
24 ~~duties require, serving under the authority of the~~
25 ~~Iowa department of corrections.~~
26 e. c. A person who for any lawful purpose carries

27 an unloaded pistol, revolver, or other dangerous
28 weapon inside a closed and fastened container or
29 securely wrapped package which is too large to be
30 concealed on the person.
31 ~~f. A person who for any lawful purpose carries or~~
32 ~~transports an unloaded pistol or revolver in a vehicle~~
33 ~~inside a closed and fastened container or securely~~
34 ~~wrapped package which is too large to be concealed on~~
35 ~~the person or inside a cargo or luggage compartment~~
36 ~~where the pistol or revolver will not be readily~~
37 ~~accessible to any person riding in the vehicle or~~
38 ~~common carrier.~~
39 ~~g. A person while the person is lawfully engaged~~
40 ~~in target practice on a range designed for that~~
41 ~~purpose or while actually engaged in lawful hunting.~~
42 ~~h. d. A person who carries a knife used in~~
43 ~~hunting or fishing, while actually engaged in lawful~~
44 ~~hunting or fishing.~~
45 ~~i. A person who has in the person's possession and~~
46 ~~who displays to a peace officer on demand a valid~~
47 ~~permit to carry weapons which has been issued to the~~
48 ~~person, and whose conduct is within the limits of that~~
49 ~~permit. A person shall not be convicted of a~~
50 ~~violation of this section if the person produces at~~

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1 ~~the person's trial a permit to carry weapons which was~~
2 ~~valid at the time of the alleged offense and which~~
3 ~~would have brought the person's conduct within this~~
4 ~~exception if the permit had been produced at the time~~
5 ~~of the alleged offense.~~
6 ~~j. e. A law enforcement officer from another~~
7 ~~state when the officer's duties require the officer to~~
8 ~~carry the weapon and the officer is in this state for~~
9 ~~any of the following reasons:~~
10 (1) The extradition or other lawful removal of a
11 prisoner from this state.
12 (2) Pursuit of a suspect in compliance with
13 chapter 806.
14 (3) Activities in the capacity of a law
15 enforcement officer with the knowledge and consent of
16 the chief of police of the city or the sheriff of the
17 county in which the activities occur or of the
18 commissioner of public safety.
19 ~~k. f. A person engaged in the business of~~
20 ~~transporting prisoners under a contract with the Iowa~~
21 ~~department of corrections or a county sheriff, a~~
22 ~~similar agency from another state, or the federal~~
23 ~~government.~~
24 Sec. _____. Section 724.4B, subsection 2, paragraph
25 a, Code 2009, is amended to read as follows:

26 a. A person listed under section 724.4, subsection
 27 4, paragraphs paragraph "b" through "f", "c", or "j"
 28 "e".
 29 Sec.____. Section 724.6, subsection 1, Code 2009,
 30 is amended to read as follows:
 31 1. A person ~~may be issued a permit to carry~~
 32 ~~weapons when the person's employment~~ who is employed
 33 in a private investigation business or private
 34 security business licensed under chapter 80A, ~~or a~~
 35 ~~person's employment~~ as a peace officer, correctional
 36 officer, security guard, bank messenger or other
 37 person transporting property of a value requiring
 38 security, or in police work, whose employment
 39 reasonably justifies that person going armed, shall be
 40 issued a professional permit to carry weapons if the
 41 person applies for the permit and meets the
 42 requirements of sections 724.8 through 724.10. The
 43 permit shall be on a form prescribed and published by
 44 the commissioner of public safety, shall identify the
 45 holder, and shall state the nature of the employment
 46 requiring the holder to go armed. A permit so issued,
 47 other than to a peace officer, shall authorize the
 48 person to whom it is issued to go armed anywhere in
 49 the state, ~~only~~ while engaged in the employment, and
 50 while going to and from the place of the employment.

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1 A permit issued to a certified peace officer shall
 2 authorize that peace officer to go armed anywhere in
 3 the state at all times. Permits shall expire ~~twelve~~
 4 ~~months~~ five years after the date when issued except
 5 that permits issued to peace officers and correctional
 6 officers are valid through the officer's period of
 7 employment unless otherwise canceled. When the
 8 employment is terminated, the holder of the permit
 9 shall surrender it to the issuing officer for
 10 cancellation.
 11 Sec.____. Section 724.7, Code 2009, is amended to
 12 read as follows:
 13 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.
 14 Any person ~~who can reasonably justify going armed~~
 15 ~~may not otherwise prohibited from possessing or~~
 16 transporting a firearm and who meets the requirements
 17 in sections 724.8 through 724.10 shall be issued a
 18 nonprofessional permit to carry weapons if the person
 19 applies for such permit. Such permits shall be on a
 20 form prescribed and published by the commissioner of
 21 public safety, which shall be readily distinguishable
 22 from the professional permit, and shall identify the
 23 holder thereof, and state the reason for the issuance
 24 of the permit, ~~and the limits of the authority granted~~

25 ~~by such permit.~~ All permits so issued shall be for a
 26 ~~definite five-year period as established by the~~
 27 ~~issuing officer, but in no event shall exceed a period~~
 28 ~~of twelve months.~~

29 Sec. _____. Section 724.8, subsection 5, Code 2009,
 30 is amended to read as follows:

31 5. The ~~issuing officer reasonably determines that~~
 32 ~~the applicant does not constitute a danger to any~~
 33 ~~person~~ person is not otherwise prohibited by state or
 34 federal law from possessing or transporting a firearm.

35 Sec. _____. Section 724.9, Code 2009, is amended to
 36 read as follows:

37 724.9 FIREARM TRAINING PROGRAM.

38 A training program to qualify persons in the safe
 39 use of firearms shall be provided by the issuing
 40 officer of permits, as provided in section 724.11.
 41 ~~The commissioner of public safety shall approve the~~
 42 ~~training program, and the county sheriff or the~~
 43 ~~commissioner of public safety conducting the training~~
 44 ~~program within their respective jurisdictions may~~
 45 ~~shall contract with a private organization or use the~~
 46 ~~services of other agencies, or may use a combination~~
 47 ~~of the two, a private individual or a professional~~
 48 organization who shall conduct the training consistent
 49 with the standards set forth by the national rifle
 50 association to provide such training. Any person

Page 5

1 eligible to be issued a permit to carry weapons may
 2 enroll in such course. A fee sufficient to cover the
 3 cost of the program may be charged each person
 4 attending. Certificates of completion, on a form
 5 prescribed and published by the commissioner of public
 6 safety, shall be issued to each person who
 7 successfully completes the program. ~~No~~ A person shall
 8 not be issued either a professional or nonprofessional
 9 permit unless the person has received a certificate of
 10 completion or is a certified peace officer. ~~No peace~~
 11 ~~officer or correctional officer, except a certified~~
 12 ~~peace officer, shall go armed with a pistol or~~
 13 ~~revolver unless the officer has received a certificate~~
 14 ~~of completion, provided that this requirement shall~~
 15 ~~not apply to persons who are employed in this state as~~
 16 ~~peace officers on January 1, 1978 until July 1, 1978,~~
 17 ~~or to peace officers of other jurisdictions exercising~~
 18 ~~their legal duties within this state.~~

19 Sec. _____. Section 724.11, Code 2009, is amended to
 20 read as follows:

21 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

22 ~~Applications for permits~~ An application for a
 23 permit to carry weapons, if made, shall be made to the

24 sheriff of the county in which the applicant resides.
25 Applications from persons who are nonresidents of the
26 state, or whose need to go armed arises out of
27 employment by the state, shall be made to the
28 commissioner of public safety. In either case, the
29 issuance of the permit shall be by ~~and at the~~
30 ~~discretion of~~ the sheriff or commissioner, who shall,
31 before issuing the permit, determine that the
32 requirements of sections ~~724.6 to 724.8~~ through 724.10
33 have been satisfied ~~and the person is not otherwise~~
34 ~~prohibited by state or federal law from possessing or~~
35 ~~transporting a firearm. However, the training program~~
36 ~~requirements in section 724.0 may be waived for~~
37 ~~renewal permits.~~ The issuing officer shall collect a
38 fee of ~~ten~~ fifty dollars, except from a duly appointed
39 peace officer or correctional officer, for each permit
40 issued. Renewal permits or duplicate permits shall be
41 issued for a fee of five dollars. The issuing officer
42 shall notify the commissioner of public safety of the
43 issuance of any permit at least monthly and forward to
44 the commissioner an amount equal to two dollars for
45 each permit issued and one dollar for each renewal or
46 duplicate permit issued. All such fees received by
47 the commissioner shall be paid to the treasurer of
48 state and deposited in the operating account of the
49 department of public safety to offset the cost of
50 administering this chapter. Any unspent balance as of

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1 June 30 of each year shall revert to the general fund
2 as provided by section 8.33.
3 Sec. _____. Section 724.5, Code 2009, is repealed."
4 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment [H-1762](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1762](#) not germane.

Sorenson of Warren moved to suspend the rules to consider amendment [H-1762](#).

Roll call was requested by Sorenson of Warren and Paulsen of Linn.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment [H-1762?](#)" ([S.F. 478](#))

The ayes were, 49:

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

The nays were, 49:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Petersen	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Mr. Speaker			
Murphy			

Absent or not voting, 2:

Chambers De Boef

The motion to suspend the rules lost.

Watts of Dallas offered the following amendment [H-1758](#) filed by him from the floor and moved its adoption:

[H-1758](#)

- 1 Amend [Senate File 478](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 93, line 29, by inserting after the words

4 "fund and" the following: "not less than eighty-five
5 percent of".
6 2. Page 93, by striking lines 31 and 32 and
7 inserting the following: "franchise shall be used by
8 the city for property tax relief pursuant to section
9 384.3B. Franchise fees collected pursuant to an".
10 3. By striking page 95, line 13, through page 96,
11 line 6, and inserting the following:
12 "2. a. Moneys in the account shall be used for
13 the purposes of inspecting, supervising, and otherwise
14 regulating each franchise approved by the city.
15 b. Not less than eighty-five percent of the moneys
16 in the account in excess of the amount necessary for
17 the purposes specified in paragraph "a" shall be used
18 for property tax relief pursuant to section 384.3B.
19 3. Moneys in the account in excess of the amount
20 necessary for the purposes specified in subsection 2
21 shall be expended for any of the following:
22 a. The repair, remediation, restoration, cleanup,
23 replacement, and improvement of existing public
24 improvements and other publicly owned property,
25 buildings, and facilities.
26 b. Projects designed to prevent or mitigate future
27 disasters as defined in section 29C.2.
28 c. Energy conservation measures for low-income
29 homeowners, low-income energy assistance programs, and
30 weatherization programs.
31 d. Public safety, including the equipping of fire,
32 police, emergency services, sanitation, street, and
33 civil defense departments.
34 e. The establishment, construction,
35 reconstruction, repair, equipping, remodeling, and
36 extension of public works, public utilities, and
37 public transportation systems.
38 f. The construction, reconstruction, or repair of
39 streets, highways, bridges, sidewalks, pedestrian
40 underpasses and overpasses, street lighting fixtures,
41 and public grounds, and the acquisition of real estate
42 needed for such purposes.
43 g. Property tax abatements, building permit fee
44 abatements, and abatement of other fees for property
45 damaged by a disaster as defined in section 29C.2.
46 h. Economic development activities and projects.
47 Sec.____. NEW SECTION. 384.3B FRANCHISE FEES –
48 PROPERTY TAX RELIEF.
49 1. All revenues deposited in the city's general
50 fund pursuant to section 364.2, subsection 4,

Page 2

1 paragraph "f", or in the city's franchise fee account
2 pursuant to section 384.3A and required or authorized

3 to be used for property tax relief shall be used to
 4 provide property tax credits for all taxable property
 5 within the corporate boundaries of the city pursuant
 6 to subsection 2.
 7 2. The revenues specified in subsection 1 as of
 8 June 1 of each year shall be used to provide property
 9 tax credits for taxes due and payable in the following
 10 fiscal year. The county treasurer shall determine the
 11 tax credit for taxable property within the corporate
 12 boundaries of the city as follows:
 13 a. Determine the amount of revenues specified in
 14 subsection 1 as of June 1 that is to be used to
 15 provide property tax credits.
 16 b. Divide the amount determined under paragraph
 17 "a" by the total of the taxable value of all taxable
 18 property in the city.
 19 c. Calculate the amount of tax credit for each
 20 taxable parcel of property by multiplying the amount
 21 calculated under paragraph "b" by the taxable value of
 22 that parcel.
 23 3. The property tax credit determined under
 24 subsection 2 shall be stated as a separate and
 25 distinct credit on each property tax statement under
 26 section 445.5."
 27 4. By renumbering as necessary.

Roll call was requested by Watts of Dallas and May of Dickinson.

On the question "Shall amendment [H-1758](#) be adopted?" ([S.F. 478](#))

The ayes were, 38:

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

The nays were, 56:

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

Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 6:

Chambers	De Boef	Lukan	Sands
Schultz	Sorenson		

Amendment [H-1758](#) lost.

Oldson of Polk offered the following amendment [H-1782](#) filed by her from the floor and moved its adoption:

[H-1782](#)

1 Amend [Senate File 478](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 71, by inserting before line 29 the
 4 following:
 5 "Sec. ___. RISK POOL – FISCAL YEAR 2009-2010.
 6 For purposes of the timeframes for applying for and
 7 receiving risk pool assistance under section 426B.5,
 8 for the fiscal year beginning July 1, 2009,
 9 notwithstanding contrary provisions of section 426B.5,
 10 subsection 2, a county must apply to the risk pool
 11 board for assistance from the risk pool on or before
 12 July 1, 2009. The risk pool board shall make its
 13 final decisions on or before August 15, 2009,
 14 regarding acceptance or rejection of the applications
 15 for assistance and the total amount of assistance
 16 applied for and approved shall be considered
 17 obligated. The department of human services shall
 18 authorize the issuance of warrants payable to the
 19 county treasurer for the amounts due and the warrants
 20 shall be issued on or before September 15, 2009."
 21 2. By renumbering as necessary.

Amendment [H-1782](#) was adopted.

The House stood at ease at 1:32 a.m., until the fall of the gavel.

The House resumed session at 3:42 a.m., T. Olson of Linn in the chair.

Speaker Murphy in the chair at 3:44 a.m.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-four members present, thirty-six absent.

McCarthy of Polk asked and received unanimous consent that [Senate File 478](#) be deferred and that the bill retain its place on the calendar.

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 26, 2009, amended and passed the following bill in which the concurrence of the House is asked:

[House File 820](#), a bill for an act appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rants of Woodbury on request of Paulsen of Linn.

SENATE AMENDMENT CONSIDERED

Wenthe of Fayette called up for consideration [House File 820](#), a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants,

allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated, or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions, amended by the Senate amendment [H-1781](#):

[H-1781](#)

1 Amend [House File 820](#), as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 27, by inserting after line 30 the
4 following:
5 "aa. For distribution to school districts for
6 professional development related to implementation of
7 the model core curriculum adopted by the state board
8 of education in accordance with section 256.7,
9 subsection 26, and implemented in accordance with
10 section 280.3, subsection 3:
11 \$ 2,000,000
12 (1) The department of education shall distribute
13 funds appropriated in this lettered paragraph for the
14 purpose of this lettered paragraph based on the
15 average per diem contract salary for each district as
16 reported to the department for the school year
17 beginning July 1, 2008, multiplied by the total number
18 of full-time equivalent teachers in the base year.
19 These funds shall not supplant existing funding for
20 professional development activities.
21 (2) Notwithstanding any provision to the contrary,
22 moneys received by a school district under this
23 lettered paragraph shall not revert but shall remain
24 available for the same purpose in the succeeding
25 fiscal year.
26 (3) A school district shall submit a report to the
27 department of education in a manner determined by the
28 department describing its use of the funds received
29 under this lettered paragraph. The department shall
30 submit a report on school district use of the moneys
31 distributed pursuant to this lettered paragraph to the
32 department of management and the legislative services
33 agency not later than January 15 of the fiscal year
34 for which moneys are allocated for purposes of this
35 lettered paragraph.
36 aaa. For instructional support state aid under
37 section 257.20, for the fiscal year beginning July 1,
38 2009, in lieu of the appropriation made in section
39 257.20, subsection 2:
40 \$ 13,103,950
41 Notwithstanding section 257.20, subsection 3, the
42 appropriation made in this lettered paragraph shall be

43 allocated in the same manner as the allocation of the
44 appropriation was made for the same purpose in the
45 previous fiscal year."

46 2. Page 28, by striking lines 16 and 17 and
47 inserting the following:

48 "b. For the department of inspections and appeals,
49 for health facility and dependent adult-related
50 investigations:

Page 2

1 \$ 400,000"

2 3. Page 28, line 19, by striking the figure
3 "100,000" and inserting the following: "200,000".

4 4. Page 29, line 1, by striking the figure
5 "3,206,000" and inserting the following: "4,347,000".

6 5. Page 29, line 3, by striking the figure
7 "119,000" and inserting the following: "931,000".

8 6. Page 29, line 5, by striking the figure
9 "504,000" and inserting the following: "2,030,000".

10 7. Page 29, line 7, by striking the figure
11 "301,000" and inserting the following: "1,029,000".

12 8. Page 29, line 10, by striking the figure
13 "189,000" and inserting the following: "903,000".

14 9. Page 29, line 13, by striking the figure
15 "63,000" and inserting the following: "301,000".

16 10. Page 29, line 16, by striking the figure
17 "1,862,000" and inserting the following: "2,506,000".

18 11. Page 29, line 19, by striking the figure
19 "266,000" and inserting the following: "679,000".

20 12. Page 29, line 22, by striking the figure
21 "280,000" and inserting the following: "1,064,000".

22 13. Page 29, by inserting after line 24 the
23 following:

24 "4A. From funding designated for government
25 stabilization, for the department of public defense
26 for the military division:
27 \$ 18,000

28 4B. From funding designated for government
29 stabilization, for the department of public safety:
30 \$ 75,000

31 4C. From funding designated for government
32 stabilization, for the department of public health:
33 a. For elderly wellness:
34 \$ 700,000

35 b. For community capacity:
36 \$ 500,000

37 c. For resource management, to be allocated to the
38 areas of greatest need:
39 \$ 1,800,000"

40 14. Page 30, line 31, by striking the figure
41 "605,596" and inserting the following: "680,596".

42 15. Page 30, by inserting after line 35 the
 43 following:
 44 "h. For child and family services:
 45 \$ 2,500,000
 46 Of the amount appropriated in this lettered
 47 paragraph, \$500,000 shall be used for additional
 48 funding of shelter care."
 49 16. Page 38, by inserting after line 19 the
 50 following:

Page 3

1 "Sec. ____ 2009 Iowa Acts, [Senate File 376](#),
 2 section 13, subsection 5, unnumbered paragraph 1, if
 3 enacted, is amended to read as follows:
 4 For ~~public~~ broadband technology grants for the
 5 deployment and sustainability of high-speed broadband
 6 access:
 7 \$ 25,000,000"
 8 17. By renumbering, relettering, or redesignating
 9 and correcting internal references as necessary.

Wenthe of Fayette offered the following amendment [H-1783](#), to the Senate amendment [H-1781](#), filed by him from the floor and moved its adoption:

[H-1783](#)

1 Amend the Senate amendment, [H-1781](#), to House File
 2 820, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, line 27, by striking the figure
 5 "18,000" and inserting the following: "180,000".
 6 2. Page 2, line 30, by striking the figure
 7 "75,000" and inserting the following: "750,000".

Amendment [H-1783](#) was adopted.

On motion by Wenthe of Fayette the House concurred in the Senate amendment [H-1781](#), as amended.

Wenthe of Fayette 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. 820](#))

The ayes were, 56:

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

The nays were, 41:

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

Absent or not voting, 3:

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

The House stood at ease at 3:54 a.m., until the fall of the gavel.

The House resumed session at 4:15 a.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

May of Dickinson on request of Upmeyer of Hancock.

REMARKS MY MINORITY LEADER PAULSEN

Paulsen of Linn offered the following remarks:

Thank you Mr. Speaker. Mr. Speaker, ladies and gentleman of the House,

First I would like to thank my caucus. It is indeed a great honor to stand for you and represent you. We are 43 strong and we made a difference – be proud of your efforts and successes. Next year we will stand with 44 members as we welcome our friend Rep. Royd Chambers back from serving our country in the Middle East. We look forward to serving with him in this chamber again. Thank you to my leadership team: Rod, Jodi, Jeff, and Steve for your input and efforts. And a special thank you to the Republican Whip, Linda Upmeyer for your inexhaustible energy and focus.

I would also like to thank each of you who take the time away from your families and your lives at home to come to Des Moines and serve the people of the great state of Iowa. Our task is often difficult and grueling, so I think each one of you deserves thanks for giving so much of your time and energy.

The staff of this building who work hard to keep bills moving, get amendments drafted, and make sure things are up and running each day. Thank you. Specifically, I would like to thank my staff. Thank you Jeff, Josie, Noreen, Lew, Lon, Brad, Ann, Kelly, Jason, Matt and Tony. We like to say, and it continues to be true, that we have the most informed staff in the building.

Mr. Speaker – Mr. Majority Leader, I also want to thank you. Obviously we have some profound differences on policy, but that did not prevent us from working together when possible for the betterment of Iowans. You committed to me that House Republicans would have opportunities to engage and affect legislation and you followed through on that commitment. I thank you for that.

Most notably we began working this session effectively to respond to last year's disaster through the newly formed Rebuild Iowa Committee – while we can debate whether we did enough in the right areas - Iowa will be better because we worked together.

Republicans and Democrats worked together to write a disaster relief package after listening to the concerns of Iowans. Of that, we should all be proud.

Unfortunately, much of the cooperation ended there.

Leading is not coming in and pushing a button based on your party. Leading is listening to the will of the people and hearing the voices of the Iowans who put their faith in you.

I'm not convinced this House of Representatives listened throughout this session.

Seventy-one percent of Iowans opposed the massive and unprecedented borrowing proposal we passed in the last two days. Maybe that is why Iowans weren't allowed to see the massive spending plan until it was about to be debated. Even aside from the secrecy which surrounded the formulation of this scheme, the really frustrating part is that Republicans believe we could have accomplished the same things without – WITHOUT – borrowing a single dime if we simply used the infrastructure fund for infrastructure.

On tax day, thousands gathered right outside this building saying, enough is enough, cut back. Yet, you voted for the largest amount of spending in the history of our state. Once again, I'm not sure that this House listened.

A few weeks ago the Iowa Supreme Court handed down their ruling striking down traditional marriage in Iowa. Iowans again came to this chamber and pleaded with this body to take action. Iowans want to have a chance to be heard on this issue-- to vote on a constitutional amendment defining marriage as 1 man and 1 woman just as many promised we would do. House Republicans tried to make that happen but were circumvented by procedure. This is very regrettable.

Only 40 percent of Iowans supported the prevailing wage bill. They sent a deluge of messages voicing their hesitation, but we debated anyway. Later, an even more unpopular plan to take away Iowans' largest tax deduction was brought to us. As a sea of red shirts packed the balconies to stand up against the raiding of their wallets. Instead of listening, they were removed from the chamber.

In January, every leader in this chamber promised Iowans that the Legislature would review each program and line item in the state budget to find waste and inefficiencies. Well, House Republicans followed through. We went through hundreds of pages of budget documents from state agencies. And what did we find? Projects that could be postponed, cars that didn't need to be purchased, and money that could not be accounted for. We found \$337 million in waste and inefficiencies and offered them as amendments. Virtually every one was rejected – in fact less than 1% of these savings were accepted.

The result? Historic levels of spending in the state of Iowa. This is astounding considering all Iowans have heard about are the painful budget cuts and program eliminations. It is counter-intuitive to know that state revenues are going down and then, fully armed with that knowledge, pass a budget that not only exceeds available revenue but is the largest budget Iowans have ever seen. After all of this spending I'm left to wonder – if more and more government spending revs up the economy, then why isn't ours humming along?

Republicans said over and over that we were using a three part test to weigh each bill. 1. Does it grow Iowa's economy? 2. Does it create jobs? 3. Does it encourage our employers to reinvest in our workforce?

Countless times this year, Republicans urged the majority party to use these same checks. To consider the choices everyday Iowans are making as they tighten their belts and reexamine their own household budgets to weather this economic storm. We asked how we were putting even one of 80,000 Iowans back to work.

I'm not convinced that this House was listening.

Mr. Speaker and ladies and gentlemen of the House, I will close with this thought: we have spent nearly all of our time this session doing one of two things: spending or borrowing.

As I think back over the last 100 days I think of several things: the most money spent in Iowa's history, a partial response to flooding, saddling our children with years of debt, and a failure to act on the issue of marriage. While I see this as disappointing, I also see an open door of opportunity to take the time to again listen to Iowans and return next year and do the people's work.

REMARKS BY MAJORITY LEADER MCCARTHY

McCarthy of Polk offered the following remarks:

Mr. Speaker, ladies and gentleman of the House.

It's very early in the morning so I'll be brief. I want to thank everyone in this chamber for all the hard work that you have done this session. It has been a very challenging session.

The depth and breadth of the national recession has been incredible. That made our challenges as a state that much greater as we go about our budget work. But we have tried to keep focused on the core services that our state does provide, especially to the most vulnerable Iowans, in the areas of education and health care.

We've also tried to stay focused on where we want the state to be down the road. We've done a lot of things focused on the new economy, renewable energy, and think outside the box tax credit proposals. We have web portal data centers to the tune of \$1.2 billion that will be coming to Iowa. Film industries and production companies locating here that will bring hundreds and hundreds of jobs and hundreds of millions in investment. Historical tax credit projects will be bringing thousands of jobs to the state in the next few months. We've tried to do some things in this tough economy to keep jobs coming to Iowa – quality jobs. We are positioning ourselves with our continued focus on all things renewable to make sure we can make that transition from an agricultural economy to a renewable energy economy.

In health care, under the leadership of the Rep. Smith, Rep. Upmeyer, Rep. Heddens and others, next year 30,000 more Iowa kids will health insurance than last year. That's a tremendous improvement and something we can all be proud of. We're making quality health care more affordable for all our children.

We've also done something that's more of an intangible quality in this chamber that has been desperately needed these last couple years. We've put people before politics. That's a tired phrase, but we've made great strides improving the tone of this chamber. Contrary to the coverage and partisan rhetoric that we heard from the minority just a few minutes ago – and that's part of the job being in the minority – we've had an incredible working relationship behind the scenes negotiating time on budget bills, subject matter, and policy bills.

We've actually done a very good job of improving the tone so it's not always so personal and poisonous, which carries over to the campaign trail. The fact that we're able to improve the tone this year, makes me more committed to improving the tone of the campaign rhetoric as we move forward.

We were also bold this year, in part because of our bi-partisan work. With Rep. Lykam and Rep. Baudler coming together with folks from all four caucuses to pass the toughest, smartest sex offender law in state history. We did something that may not be polling the way we want it to be, but its good government and that is good politics.

I'm encouraged by all the friendships that I've strengthened this year. Rep. Rick Olson, Rep. Doris Kelley, Rep. Mike Reasoner, Rep. Lisa Heddens, and Rep. Mary Mascher. An eclectic mix of folks that my friendships have deepened and it's something that's very important to me.

I also want to thank our great staff, including the chief clerk, speaker's staff and my staff, including Mark Langgin who works late and gets here early and Brian Meyer who is busy preparing our floor managers for debate and keeping the ship afloat.

Thanks to all of you for working with me and bugging me. Although I hope I'll stop having these nightmares where I wake up hearing echoes of house file numbers. I'm just not very good with numbers. I do appreciate the work we've done together.

It's been a pleasure to work with you, Mr. Speaker, and the assistant leaders. I look forward to a good summer with friends and family and I hope you all have a great summer with friends and family as well.

REMARKS BY SPEAKER MURPHY

Murphy of Dubuque offered the following remarks:

Ladies and gentlemen of the House, first of all, thank you for the opportunity to serve you as Speaker of the House. I know that, for all of us, it is a great thrill to serve our constituents and it is a great thrill to serve as presiding officer. Many days I have many headaches, but it is still a very unique job, and I appreciate the opportunity to hold the position and for you to elect me to this position.

I also want to thank my caucus for putting their trust in me over these last few years, and I very much appreciate the support my caucus members have given me. I also want to talk briefly about the staff. I don't care if it's the Democratic staff, Republican staff, Legislative Services Agency, the Chief Clerk's staff, or the pages, I want to thank all of you for what you do every day that makes this place function, because the hundred representatives in no way would be able to do it by themselves. So thank you for all the work you do, regardless of whether you are partisan staff or nonpartisan staff.

I want to single out this year's group of pages. If this is our future, it looks very bright. I think the pages we have here are shining examples of what our future holds for us. I feel confident that, when I'm old and gray, this younger generation will be making good decisions for us.

I also want to talk briefly about Rep. Royd Chambers. We've had a House member missing now for three of the last four years, serving our country abroad. I am proud that this chamber and this state have stepped up to serve our country in times of military conflict. In this regard, our efforts to develop renewable fuels serves us well. Hopefully, some day we won't have to worry about Iowans who are in the National Guard or Reserves having to risk their lives in foreign lands to help provide the energy that we need.

Last year, when we adjourned, we had an \$82 million ending balance. Our reserve accounts were full and we had a booming economy. Then, before the election, things changed drastically. Fuel prices fluctuated greatly; we had floods and tornadoes that devastated this state. In response to the recession, we focused on a few basic goals this session: working on disaster recovery to help communities hit by natural disasters; helping middle-class families by creating good-paying jobs; passing a fiscally-responsible budget; and taking steps to help our economy grow.

When we came into this session, we created the Rebuild Iowa Committee. We passed a \$56 million transfer from the state's emergency fund – a great bipartisan effort by everyone in this chamber. From Rep. Schueller, to Rep. Berry, to Rep. Sands, to Rep. Grassley, and the other members who serve on that committee, thank you for making sure the first important bill we passed was about taking care of Iowans in need and working to get assistance to communities crippled by floods.

We also focused on infrastructure grants, targeting disaster rebuilding. But we didn't stop there. We had members on the Agriculture Committee and Natural Resources Committee who focused on flood prevention projects, soil conservation initiatives, and we'll establish the Iowa Flood Center at the University of Iowa. Hopefully, with these efforts, the next time won't be a next time because we're preparing and planning for those days when we have the heavy rains and other natural disasters that come our way.

We also focused on issues that legislators have worked on in previous sessions. A good example is health care. Rep. Smith and Rep. Upmeyer worked very closely together to work on a health care expansion for 30,000 children so that, by next year, hopefully every child in this state will have access to health insurance. And it was done in a very bipartisan effort, even with the Hatch act in its way; that was a joke, folks.

We also did some things with private insurance coverage. We worked to make sure that prosthetic devices are fully covered. Special thanks to Rep. Kressig for his efforts to get that legislation passed. Hopefully yet tonight, before we pass the standings bill, we will also require coverage for children with psychiatric needs and those who need cancer treatment.

We focused on balancing the budget, and it wasn't easy this year. The Revenue Estimating Conference, in three successive meetings, lowered the official state revenue estimate, to the tune of about \$271 million. In response, we had to cut most programs. But we continued our focus on early childhood education and teacher quality. We also wanted to continue our efforts to help the middle class and to make sure that kids have access to quality education and health care.

We're spending less General Fund money than we spent last year. The federal stabilization money helps to cushion the blow, but it isn't enough. We still had to make cuts, because we know that we need to balance our checkbook the same as every Iowa household. At the end of the day, we passed a fiscally-responsible budget without raising taxes on middle-class families.

We also enacted some other priorities that I think this Legislature will be remembered for. I know Rep. Swaim, Rep. Palmer, Rep. Struyk, Rep. Huser, and Rep. Olson, you were all involved in gaining near-unanimous support for legislation to enable individual Iowans to sue for consumer fraud.

When news broke this year concerning the incident at Atalissa, Rep. Lensing and others worked very closely with other members of the Government Oversight Committee to enact new laws that will help prevent dependent adults from being exploited in the future. Legislation was enacted to make sure military veterans and their family members pay no more than in-state tuition rates for attending an Iowa community college or one of the state universities. We focused on pay equity through the Lilly Ledbetter bill and promoting gender balance on local boards and commissions.

But I think we may be best remembered for passing sex offender legislation that is stronger and smarter than current law and will keep us safer than current law. Passing the Adam Walsh Act was a bipartisan effort and I want to thank Rep. Baudler, Rep. Tjepkes, Rep. Rick Olson, Rep. Lykam, and all the other people who joined together to change a law that wasn't working and to provide our families and children with greater protection from sex abusers.

In summary, we've had a tough budget year, but we're still in better shape than most states. We still have over \$400 million in the state's reserve accounts. We still have a triple-A bond rating. We're still one of the three or four lowest states in terms of bonding and indebtedness. Our unemployment rate is rising but it's still far below the national average. And we're continuing to lay a foundation for the future with education, health care, and job creation for middle-class families.

In preparing these remarks, I looked back at my opening address to the General Assembly in January. I talked about President-elect Obama and how in the last election he spoke about our country not as a white America or black America, not as a blue America or red America, but as the United States of America, and how we need to come together at every opportunity to move the country forward, for our economy and for our families. While we have not always succeeded, we have passed a number of bills this year, in a bipartisan effort to move this state forward.

And I thank all of you for the work you have done, in providing for this state. While we may all have different ideas about how to move this state forward, there's no question that everybody here has the best intentions for all Iowans. And I thank you for your time and service to the state. And now, after one hundred and three days, or maybe it's one hundred and four, it's time for us to go back to our families and our other lives outside of the Legislature. Hopefully I'll see you all before next January, when it's cold again. I thank you for your service to the state and for the job you have done this year, and for what you will do for this state in the future. Thank you.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 820](#) be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Forristall of Pottawattamie, L. Miller of Scott, S. Olson of Clinton on request of Roberts of Carroll; Rayhons of Hancock on request of Roberts of Carroll.

The House resumed consideration of [Senate File 478](#). (Found on pages 2066 through 2104 of the House Journal)

Thomas of Clayton offered the following amendment [H-1784](#) filed by him from the floor and moved its adoption:

[H-1784](#)

1 Amend [Senate File 478](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 96, by inserting after line 21 the
4 following:
5 "DIVISION ____
6 REPORTS OF REFUND CLAIMS
7 Sec. ____ Section 15.335, Code 2009, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 6. The department of revenue
10 shall by February 15 of each year issue an annual
11 report to the general assembly containing the total
12 amount of all claims made by employers under this
13 section, and the portion of the claims issued as
14 refunds, for all claims processed during the previous
15 calendar year, beginning with claims filed on or after
16 January 1, 2009. The report shall contain the name of
17 each claimant for whom a tax credit in excess of five
18 hundred thousand dollars was issued and the amount of
19 the credit received.
20 Sec. ____ Section 422.10, Code 2009, is amended by
21 adding the following new subsection:
22 NEW SUBSECTION. 6. The department shall by
23 February 15 of each year issue an annual report to the
24 general assembly containing the total amount of all
25 claims made by employers under this section and the
26 portion of the claims issued as refunds, for all
27 claims processed during the previous calendar year,
28 beginning with claims filed on or after January 1,

29 2009. The report shall contain the name of each
30 claimant for whom a tax credit in excess of five
31 hundred thousand dollars was issued and the amount of
32 the credit received.
33 Sec. __. Section 422.33, Code 2009, subsection 5,
34 is amended by adding the following new paragraph:
35 NEW PARAGRAPH. h. The department shall by
36 February 15 of each year issue an annual report to the
37 general assembly containing the total amount of all
38 claims made by employers under this subsection and the
39 portion of the claims issued as refunds, for all
40 claims processed during the previous calendar year,
41 beginning with claims filed on or after January 1,
42 2009. The report shall contain the name of each
43 claimant for whom a tax credit in excess of five
44 hundred thousand dollars was issued and the amount of
45 the credit received."
46 2. By renumbering as necessary.

Amendment [H-1784](#) was adopted.

The House stood at ease at 4:50 a.m., until the fall of the gavel.

The House resumed session at 4:52 a.m., Speaker Murphy in the chair.

MOTION TO RECONSIDER

Amendment [H-1777](#)

Reichert of Muscatine asked and received unanimous consent to reconsider the vote by which amendment [H-1777](#) was adopted by the House.

Reichert of Muscatine asked and received unanimous consent to withdraw amendment [H-1777](#).

Oldson of Polk offered the following amendment [H-1785](#) filed by her from the floor and moved its adoption:

[H-1785](#)

1 Amend [Senate File 478](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 31, by inserting after line 28 the
4 following:
5 "Sec. __. DEPARTMENT OF REVENUE. There is
6 appropriated from the general fund of the state to the

7 department of revenue for the fiscal year beginning
8 July 1, 2009, and ending June 30, 2010, the following
9 amount, or so much thereof as is necessary, to be used
10 for the purposes designated:
11 For salaries, support, maintenance, and
12 miscellaneous purposes:
13 \$ 2,500,000
14 Sec.____. GOVERNOR AND LIEUTENANT GOVERNOR. There
15 is appropriated from the general fund of the state to
16 the offices of the governor and the lieutenant
17 governor for the fiscal year beginning July 1, 2009,
18 and ending June 30, 2010, the following amount, or so
19 much thereof as is necessary, to be used for the
20 purposes designated:
21 For salaries, support, maintenance, and
22 miscellaneous purposes for the general office of the
23 governor and the general office of the lieutenant
24 governor:
25 \$ 400,000
26 Sec.____. WORKFORCE DEVELOPMENT-FIELD OFFICES.
27 There is appropriated from the special employment
28 security contingency fund to the department of
29 workforce development for the fiscal year beginning
30 July 1, 2009, and ending June 30, 2010, the following
31 amount, or so much thereof as is necessary, to be used
32 for the purposes designated:
33 For field offices:
34 \$ 360,000
35 Sec.____. IOWA POWER FUND. There is appropriated
36 from the general fund of the state to the office of
37 energy independence for the fiscal year beginning July
38 1, 2009, and ending June 30, 2010, the following
39 amount, or so much thereof as is necessary, to be used
40 for the purposes designated:
41 For deposit in the Iowa power fund:
42 \$ 4,000,000
43 Sec.____. COMMERCIAL SERVICE AIRPORTS. There is
44 appropriated from the general fund of the state to the
45 department of transportation for the fiscal year
46 beginning July 1, 2009, and ending June 30, 2010, the
47 following amount, or so much thereof as is necessary,
48 to be used for the purposes designated:
49 For infrastructure improvements at the commercial
50 service airports within the state:

Page 2

1 \$ 1,500,000
2 Fifty percent of the moneys appropriated in this
3 section shall be allocated equally between each
4 commercial air service airport, 40 percent of the
5 moneys shall be allocated based on the percentage that

6 the number of enplaned passengers at each commercial
 7 air service airport bears to the total number of
 8 enplaned passengers in the state during the previous
 9 fiscal year, and 10 percent of the moneys shall be
 10 allocated based on the percentage that the air cargo
 11 tonnage at each commercial air service airport bears
 12 to the total air cargo tonnage in the state during the
 13 previous fiscal year. In order for a commercial air
 14 service airport to receive funding under this section,
 15 the airport shall be required to submit applications
 16 for funding of specific projects to the department for
 17 approval by the state transportation commission.

18 Sec.____. JOBS FOR AMERICA'S GRADUATES. There is
 19 appropriated from the general fund of the state to the
 20 department of education for the fiscal year beginning
 21 July 1, 2009, and ending June 30, 2010, the following
 22 amount, or so much thereof as is necessary, to be used
 23 for the purposes designated:

24 For school districts to provide direct services to
 25 the most at-risk senior high school students enrolled
 26 in school districts through direct intervention by a
 27 jobs for America's graduates specialist:
 28 \$ 600,000

29 Sec.____. EMPLOYEE MISCLASSIFICATION PROGRAM –
 30 GENERAL FUND. There is appropriated from the general
 31 fund of the state to the department of workforce
 32 development for the fiscal year beginning July 1,
 33 2009, and ending June 30, 2010, the following amount,
 34 or so much thereof as is necessary, to be used for the
 35 purposes designated:

36 For enhancing efforts to investigate employers that
 37 misclassify workers:
 38 \$ 500,000

39 Sec.____. EMPLOYEE MISCLASSIFICATION PROGRAM –
 40 SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND. For the
 41 fiscal year beginning July 1, 2009, and ending June
 42 30, 2010, the department of workforce development may
 43 use up to \$250,000 from the employment security
 44 contingency fund for enhancing efforts to investigate
 45 employers that misclassify workers.

46 Sec.____. INDIGENT DEFENSE PROGRAM. There is
 47 appropriated from the general fund of the state to the
 48 office of state public defender of the department of
 49 inspections and appeals for the fiscal year beginning
 50 July 1, 2008, and ending June 30, 2009, the following

Page 3

1 amount, or so much thereof as is necessary, for the
 2 purposes designated:
 3 For the indigent defense program:
 4 \$ 2,200,000

5 Sec. ____ EFFECTIVE DATE. The section of this
6 division of this Act, relating to an appropriation to
7 the office of state public defender of the department
8 of inspections and appeals, being deemed of immediate
9 importance, takes effect upon enactment."

10 2. Page 54, by inserting after line 10 the
11 following:

12 "Sec. ____ 2009 Iowa Acts, [House File 809](#), if
13 enacted, is amended by adding the following new
14 section:

15 Sec. __ NEW SECTION. FUTURE REPEAL OF
16 DEPARTMENT OF COMMERCE REVOLVING FUND – COMPLIANCE.

17 1. Division VIII of this Act, relating to the
18 creation of a department of commerce revolving fund,
19 is repealed July 1, 2011. The Code editor shall
20 restore the language in the sections of the Code of
21 Iowa amended by the division to the language present
22 in those sections in the 2009 Code of Iowa.

23 2. The divisions of the department of commerce
24 shall comply with appropriate provisions of section
25 8.31 and with directions by the governor to executive
26 branch departments regarding restrictions on
27 out-of-state travel, hiring justifications,
28 association memberships, equipment purchases,
29 consulting contracts, and any other expenditure
30 efficiencies that the governor deems appropriate."

31 3. Page 80, by inserting after line 8 the
32 following:

33 "Sec. ____ 2008 Iowa Acts, chapter 1178, section
34 18, is amended by adding the following new subsection:

35 NEW SUBSECTION. 7. Notwithstanding section 8.33,
36 moneys appropriated in this section that remain
37 unencumbered or unobligated at the close of the fiscal
38 year shall not revert but shall remain available for
39 expenditure for the purposes designated until the
40 close of the succeeding fiscal year."

41 4. By striking page 89, line 9, through page 90,
42 line 30, and inserting the following:

43 "Sec. ____ Section 483A.1, subsection 2,
44 paragraphs c, d, e, f, and g, Code 2009, are amended
45 to read as follows:

- 46 c. Hunting license, eighteen years of
- 47 age or older \$ ~~80.00~~
- 48 110.00
- 49 d. Hunting license, under eighteen
- 50 years of age \$ 30.00

Page 4

- 1 e. Deer hunting license, antlered or
- 2 any sex deer \$ ~~220.00~~
- 3 295.00

- 4 f. Deer hunting license, antlerless
- 5 deer only, required with the purchase
- 6 of an antlered or any sex deer hunting
- 7 license ~~\$100.00~~
- 8 125.00
- 9 g. Deer hunting license, antlerless
- 10 deer only ~~\$150.00~~
- 11 225.00
- 12 Sec. ____ Section 483A.1, subsection 2, Code 2009,
- 13 is amended by adding the following new paragraph:
- 14 NEW PARAGRAPH. gg. Holiday deer hunting license
- 15 issued under section 483A.8, subsection 6,
- 16 antlerless deer only..... \$ 75.00"
- 17 5. By renumbering as necessary.

Amendment [H-1785](#) 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?" ([S.F. 478](#))

The ayes were, 55:

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

The nays were, 35:

- | | | | |
|----------|----------|------------|---------|
| Alons | Anderson | Arnold | Baudler |
| Cownie | Deyoe | Dolecheck | Drake |
| Grassley | Hagenow | Heaton | Helland |
| Horbach | Huseman | Kaufmann | Koester |
| Lukan | Paulsen | Pettengill | Raecker |
| Roberts | Sands | Schulte | Schultz |
| Sorenson | Struyk | Sweeney | Tjepkes |

Tymeson Upmeyer Van Engelenhoven Wagner
Watts Windschitl Worthan

Absent or not voting, 10:

Chambers De Boef Forristall May
Miller, L. Olson, S. Rants Rayhons
Soderberg Taylor, D.

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

MOTION TO RECONSIDER WITHDRAWN ([Senate File 470](#))

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider [Senate File 470](#), a bill for 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 providing effective dates, filed by him on April 24, 2009.

MOTION TO RECONSIDER WITHDRAWN ([Senate File 475](#))

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider [Senate File 475](#), a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions, filed by him on April 22, 2009.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 470 and 475.**

ADOPTION OF [HOUSE CONCURRENT RESOLUTION 10](#)

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House Concurrent Resolution 10](#), as follows, and moved its adoption.

1 [House Concurrent Resolution 10](#)
2 By McCarthy and Paulsen
3 A House Concurrent Resolution to provide for
4 adjournment sine die.
5 *Be It Resolved By The House Of Representatives, The*
6 *Senate Concurring,* That when adjournment is had on
7 Sunday, April 26, 2009, it shall be the final
8 adjournment of the 2009 Regular Session of the
9 Eighty-third General Assembly.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House Concurrent Resolution 10](#) be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 2009, passed the following bill in which the concurrence of the Senate was asked:

[House File 805](#), 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.

Also: That the Senate has on April 23, 2009, 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 809](#), a bill for 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 effective and retroactive applicability dates.

Also: That the Senate has on April 23, 2009, 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 811](#), 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.

Also: That the Senate has on April 26, 2009, 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 820](#), a bill for an appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Also: That the Senate has on April 26, 2009, 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 822](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions

Also: That the Senate has on April 25, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 376](#), a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions.

Also: That the Senate has on April 13, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 467](#), a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing for effective dates.

Also: That the Senate has on April 13, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 469](#), 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.

Also: That the Senate has on April 25, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate is asked:

[Senate File 477](#), a bill for an act authorizing the treasurer of state to issue annual

appropriation bonds, and creating an annual appropriation bonds debt service fund, an appropriation bonds capitals fund, a vertical infrastructure restricted capitals fund, making appropriations, and including an applicability provision.

Also: That the Senate has on April 26, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 478](#), 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 date and retroactive and other applicability provisions.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 5:03 a.m., until the fall of the gavel.

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to [Senate Concurrent Resolution 2](#), duly adopted, the following is a list of changes for officers and employees of the House:

<u>Position</u>	<u>Name</u>	<u>Grade- Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Legislative Secretary	Dawn R. Dillman	17-4 to 17-5	S-O	02-20-09
Legislative Secretary	Kelli A. Huser	15-1 to 15-2	S-O	02-20-09
Legislative Committee Secretary	Adam M. Elliott	17-1	S-O	02-23-09
Sr. Leg Research Analyst	Mary C. Braun	38-7 to 39-7	P-FT	02-24-09
Sr. Deputy Caucus Staff Director				
Legislative Secretary	Cheryl K. Arnold	15-3 to 15-4	S-O	03-20-09
Legislative Secretary	Marcus A. Branstad	16-1 to 16-2	S-O	03-20-09
Doorkeeper	Darrell E. Brown	11-1 to 11-2	S-O	03-20-09
Legislative Secretary	Sarah S. Cutshall	15-1 to 15-2	S-O	03-20-09
Legislative Committee Secretary	Donna K. Downey	17-1 to 17-2	S-O	03-20-09
Legislative Secretary	Cassandra C. Furlong	15-1 to 15-2	S-O	03-20-09
Legislative Committee Secretary	Amy L. Hein	17-1 to 17-2	S-O	03-20-09
Legislative Secretary	Jeremy A. Jansen	17-1 to	S-O	03-20-09

<u>Position</u>	<u>Name</u>	<u>Grade- Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Doorkeeper	Henry J. Luetjen	11-1 to 11-2	S-O	03-20-09
Legislative Secretary	John R. Lund	16-1 to 16-2	S-O	03-20-09
Legislative Secretary	Janet M. Peterson	17-1 to 17-2	S-O	03-20-09
Legislative Secretary	Jessica L. Rundlett	16-1 to 16-2	S-O	03-20-09
Legislative Committee Secretary	Carissa L. Sagar	17-1 to 17-2	S-O	03-20-09
Assistant Bill Clerk	Joan E. Skeffington	12-1 to 12-2	S-O	03-20-09
Switchboard Operator	Karol D. Skeffington	14-1 to 14-2	S-O	03-20-09
Doorkeeper	Donald L. Wederquist	11-1 to 11-2	S-O	03-20-09
Legislative Secretary	Marilyn J. Zagnoli	16-4+1 to 16-5+1	S-O	03-20-09
Legislative Secretary	Jean P. Olson	16-3 to 16-4	S-O	04-03-09
Sr. Legislative Research Analyst	Anna M. Hyatt-Crozier	38-3 to 38-4	P-FT	04-17-09
Legislative Committee Secretary	Susan G. Meimann	17-2 to 17-3	S-O	04-17-09
Legislative Committee Secretary	Melodie K. Schueller	17-2 to 17-3	S-O	04-17-09

Pursuant to [Senate Concurrent Resolution 2](#), duly adopted, the following is a list of changes for officers and employees of the Joint Senate/House:

<u>Position</u>	<u>Name</u>	<u>Grade Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Clerk to Chief Clerk Legislative Lobbyist Clerk	Kathy J. Stachon	16-2 to 21-2	S-O	03-06-09

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing bills the following corrections were made:

House Amendment to [Senate File 376](#)

1. Page 19, line 3 – Remove the word, “at”.

2. Page 27, line 35 – Change “attraction” to “attractions”.
3. Page 32, underline lines 32 through 39.
4. Page 37, line 50 – Remove the letter “d.”

MARK W. BRANDSGARD
Chief Clerk of the House

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

- 2009\3755 Marvin Westphal, Fontanelle – For celebrating his 90th birthday.
- 2009\3756 Verlene Williamson, Fontanelle – For celebrating her 80th birthday.
- 2009\3757 Julie Allesee, Clinton – For receiving the Iowa Tourism Leadership Award.
- 2009\3758 LeRoy and Rosie Moeller, New Liberty – For celebrating their 50th wedding anniversary.
- 2009\3759 Lester Brenner, Wilton – For celebrating his 85th birthday.

RESOLUTION FILED

[HR 52](#), by Gayman, a resolution supporting the commitment President Barack Obama to energy efficiency and renewable energy initiatives and affirming this state's role as a national leader in the renewable energy industry.

Laid over under **Rule 25**.

AMENDMENTS FILED

[H-1768](#) [H.F. 807](#) Jacoby of Johnson

FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to House Rule 73.6, the following motion to reconsider which remained on the House Calendar upon adjournment of the 2009 Regular Session of the Eighty-third General Assembly will be considered to have failed:

By McCarthy of Polk to [House File 333](#), a bill for an act requiring the payment of local prevailing wage rates to persons working on public improvements for public bodies, and providing penalties and effective and applicability dates, filed on February 19, 2009. (Bill failed to pass the House on February 19, 2009)

HOUSE AND SENATE FILES REREFERRED TO COMMITTEES

Under the provision of House Rule 45, the following House Files and Senate Files were rereferred to the committees listed:

House File 209	Judiciary	Senate File 3	Public Safety
House File 234	Human Resources	Senate File 9	Education
House File 426	Public Safety	Senate File 96	Judiciary
House File 491	Local Government	Senate File 173	Education
House File 657	Public Safety	Senate File 262	Labor
House File 674	Public Safety	Senate File 301	State Government
House File 686	Transportation	Senate File 393	Human Resources
House File 691	Human Resources	Senate File 414	Human Resources
House File 744	Judiciary	Senate File 424	State Government
House File 767	Judiciary	Senate File 429	Transportation
House File 775	Labor	Senate File 434	Local Government
House File 778	State Government	Senate File 459	Ways and Means
House File 781	State Government	Senate File 479	Ways and Means
House File 783	Transportation		
House File 785	Transportation		
House File 791	Labor		
House File 795	Labor		
House File 807	Ways and Means		
House File 816	Ways and Means		
House File 821	Labor		
House File 827	Environmental Protection		

FINAL ADJOURNMENT

By virtue of [House Concurrent Resolution 10](#), duly adopted, the day of April 26, 2009, having arrived, the Speaker of the House of Representatives declared the 2009 Regular Session of the Eighty-third General Assembly adjourned sine die.

SUPPLEMENT TO HOUSE JOURNAL**REPORT OF THE CHIEF CLERK OF THE HOUSE**

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following correction was made:

[House File 822](#)

1. Title Page, Line 4, insert comma after 'funds'

MARK W. BRANDSGARD
Chief Clerk of the House

**BILLS ENROLLED, SIGNED
AND SENT TO THE SECRETARY OF STATE**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Secretary of State on this 26th day of April, 2009: [House Joint Resolution 1](#).

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 26th day of April, 2009: House Files 243, 260, 278, 420, 450, 477, 478, 481, 488, 503, 552, 562, 670, 671, 676, 684, 705, 706, 708, 710, 712, 722, 723, 756, 759, 805, 809, 810, 811, 815, 820, 822, 826.

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 2009 Regular Session of the Eighty-third General

Assembly and which action was had subsequent to the date of final adjournment.

- [H.F. 243](#)– Providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision. Approved 5-26-09.
- [H.F. 260](#)– Relating to the operation of county, city, and memorial hospitals and the duties and powers of hospital trustees and commissioners. Approved 5-18-09.
- [H.F. 278](#)– Requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol. Approved 5-22-09.
- [H.F. 420](#)– Concerning civil service commissions, disciplinary procedures, and residency requirements for civil service employees. Approved 5-18-09.
- [H.F. 450](#)– Relating to the time of opening the polls for certain city elections. Approved 5-22-09.
- [H.F. 477](#)– Relating to declaration of value forms for the conveyance of real estate by making social security numbers and tax identification numbers confidential. Approved 5-18-09.
- [H.F. 478](#)– Relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates. Approved 5-22-09.
- [H.F. 481](#)– Providing an excess weight allowance for special trucks hauling distillers grains. Approved 5-18-09.
- [H.F. 488](#)– Relating to assistive or service animals including provisions relating to persons controlling the assistive animal and including the maintenance of service animals as an eligible service reimbursable under the home and community-based services waivers. Approved 5-26-09.
- [H.F. 503](#)– Concerning the definition of veteran and providing an effective date. Approved 5-26-09.
- [H.F. 552](#)– Concerning the appointment of airport commissioners. Approved 5-18-09.
- [H.F. 562](#)– Relating to the council on human services and the state child care advisory council. Approved 5-18-09.
- [H.F. 670](#)– Relating to absentee voting and the counting of absentee ballots beginning on the day before the general election. Approved 5-22-09.

- [H.F. 671](#)— Relating to public safety by providing volunteer emergency services providers protection from employment termination, providing for the membership of the public safety communications interoperability board, providing for modifications in the boundaries of emergency response districts, and including effective and retroactive applicability date provisions. Approved 5-26-09.
- [H.F. 676](#)— Modifying provisions relating to a final hearing in a civil commitment proceeding for a sexually violent predator. Approved 5-18-09.
- [H.F. 684](#)— Relating to the membership and administration of the Iowa propane education and research council. Approved 5-22-09.
- [H.F. 705](#)— Concerning safe rooms and storm shelters in newly constructed buildings. Approved 5-22-09.
- [H.F. 706](#)— Relating to and publicizing mortgage foreclosure and real estate obligation protections for members of the national guard, and the reserve or regular component of the armed forces of the United States in active duty service, and providing a penalty. Approved 5-26-09.
- [H.F. 708](#)— Relating to absentee ballots delivered to applicants who are patients or residents of hospitals or health care facilities. Approved 5-22-09.
- [H.F. 710](#)— Relating to the agricultural development authority, by providing for the reporting of its operations. Approved 5-18-09.
- [H.F. 712](#)— Relating to a private right of action for certain consumer fraud violations and including an applicability provision. Approved 5-26-09.
- [H.F. 722](#)— Relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, establishing an upland game bird study advisory committee, making penalties applicable, and providing an immediate effective date. Approved 5-22-09.
- [H.F. 723](#)— Relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; articles of incorporation filing requirements; viatical settlements contracts; life insurance companies and associations; long-term care insurance; long-term care asset disregard incentives; insurance other than life; insurance guaranty association; county mutual insurance associations; state mutual insurance associations; consolidation, merger, and reinsurance; and cemetery and funeral merchandise and funeral services; and providing for an immediate effective date and retroactive applicability. Approved 5-22-09.

- [H.F. 756](#)- Relating to regional watershed, land use, and flood plain management policies, and providing for the establishment of a council. Approved 5-22-09.
- [H.F. 759](#)- Requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program and requiring preparation of a flood insurance report by commissioner of insurance. Approved 5-22-09.
- [H.F. 805](#)- 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. Approved 5-26-09.
- [H.F. 809](#)- 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 effective and retroactive applicability dates. Approved 5-26-09, with exception of Section 1, subsection 1, paragraph c and subsection 4; Section 13, subsection 4, paragraphs b and c; Section 30, subsection 3 and Sections 27 and 37. See Governor's Item Veto Message.
- [H.F. 810](#)- Providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions. Approved 5-22-09.
- [H.F. 811](#)- 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. Approved 5-26-09, with exception of Section 28, subsection 3, Section 35, 37 and 38. See Governor's Item Veto Message.
- [H.F. 815](#)- Relating to articulation agreements between public postsecondary institutions and to the dissemination of articulation information. Approved 5-26-09.
- [H.F. 820](#)- Relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions. Approved 5-26-09.
- [H.F. 822](#)- Relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds, creating and funding the Iowa flood center, providing for related matters, and providing effective and retroactive applicability date provisions. Approved 5-26-09.

- [H.F. 826](#)— Relating to the comprehensive recycling planning task force. Approved 5-22-09.
- [S.F. 137](#)— Providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy. Approved 4-28-2009.
- [S.F. 151](#)— Relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund. Approved 5-4-09.
- [S.F. 152](#)— Relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law. Approved 5-22-09.
- [S.F. 176](#)— Allowing the waiver of certain administrative penalties for late annual reports concerning cemetery and funeral merchandise, and funeral services, upon a showing of good cause or financial hardship and providing an immediate effective date. Approved 5-18-09.
- [S.F. 186](#)— Concerning preferential hiring treatment by government for veterans. Approved 5-26-09.
- [S.F. 224](#)— Relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision. Approved 5-26-09.
- [S.F. 226](#)— Concerning the statewide fire and police retirement system by establishing a presumption that cancer and infectious diseases are work-related for purposes of disability and death benefits and by increasing the contribution rate. Approved 5-8-09.
- [S.F. 236](#)— Relating to psychiatric medical institution for children services and providing an effective date. Approved 5-22-09.
- [S.F. 254](#)— Requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs. Approved 5-22-09.
- [S.F. 291](#)— Providing for the recognition and promotion of certified retirement communities. Approved 5-26-09.
- [S.F. 304](#)— Relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program. Approved 5-18-09.
- [S.F. 340](#)— Relating to the sex offender registry, making fees applicable, and providing for penalties. Approved 5-21-09.

- [S.F. 342](#)– Relating to boards of directors associated with organizations promoting soybeans and corn. Approved 4-27-09.
- [S.F. 344](#)– Relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program. Approved 5-22-09.
- [S.F. 356](#)– Relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national. Approved 5-22-09.
- [S.F. 366](#)– Relating to the emancipation of a minor and family in need of assistance proceedings. Approved 5-26-09.
- [S.F. 372](#)– Requesting the establishment of a statewide broadband policy development interim study committee. Approved 5-22-09.
- [S.F. 374](#)– Concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable. Approved 5-22-09.
- [S.F. 376](#)– Creating an Iowa jobs program, an Iowa jobs board, and Iowa jobs fund, authorizing the issuance of bonds, including the issuance of tax-exempt bonds, making and revising appropriations, and providing an effective date. Approved 5-14-09.
- [S.F. 377](#)– Relating to the prescription drug donation repository program. Approved 5-22-09.
- [S.F. 379](#)– Relating to the use of insurance loss history in the issuance of dramshop liability insurance. Approved 5-22-09.
- [S.F. 389](#)– Relating to health care, health care providers, and health care coverage, providing retroactive and other effective dates and providing repeals. Approved 5-19-09.
- [S.F. 403](#)– Concerning the sale of beer by native wineries. Approved 5-18-09.
- [S.F. 405](#)– Providing for the disposal of dead animal bodies by persons, including individuals practicing veterinary medicine, and making penalties applicable. Approved 5-26-09.
- [S.F. 415](#)– Relating to the acquisition of title to disaster-affected abandoned property by cities in certain years and authorizing cities to establish a property rights defense account. Approved 5-22-09.
- [S.F. 419](#)– Relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax

formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates. Approved 5-22-09.

[S.F. 423](#)— Providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment. Approved 5-18-09.

[S.F. 430](#)— Relating to appointments to statutory boards, commissions, councils, and committees that involve the general assembly, and including effective date and applicability provisions. Approved 5-18-09.

[S.F. 432](#)— Regulating animal feeding operations, making penalties applicable, and providing for penalties and effective dates. Approved 5-26-09.

[S.F. 433](#)— Relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties. Approved 5-26-09.

[S.F. 435](#)— Relating to the entry upon land by a surveyor for land survey purposes. Approved 5-26-09.

[S.F. 436](#)— Relating to observers at satellite absentee voting stations. Approved 5-22-09.

[S.F. 437](#)— Relating to the activities of governmental entities by amending provisions relating to public access to meetings and records and by modifying provisions relating to cemeteries under the control of certain governmental entities. Approved 5-22-09.

[S.F. 438](#)— Relating to actions injurious to dependent adults and providing penalties. Approved 5-18-09.

[S.F. 449](#)— Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions. Approved 5-22-09.

[S.F. 451](#)— Relating to the definition of resident for purposes of undergraduate tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges. Approved 5-26-09.

[S.F. 452](#)— Directing the office of energy independence to establish a community grant program for energy efficiency projects, and allocating appropriated amounts for purposes of funding the program. Approved 5-22-09.

[S.F. 457](#)— Relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a

natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, providing income tax credits for certain disaster recovery housing projects, and including effective date and retroactive applicability date provisions. Approved 5-12-09.

[S.F. 465](#)— Relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system. Approved 5-26-09.

S. F. 467— Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing for effective dates. Approved 5-26-09, with the exception of Division VI and Section 23. See Governor's Item Veto Message.

[S.F. 469](#)— 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. Approved 5-26-09, with the exception of Section 25. See Governor's Item Veto Message.

[S.F. 470](#)— 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 providing effective dates. Approved 5-26-09, with the exception of Section 13, subsection 3 and Section 29. See Governor's Item Veto Message.

[S.F. 471](#)— Relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund to fund tax credits for innovative renewable energy generation components, transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, providing transition provisions relating to the transfer of authority, and providing an effective date. Approved 5-18-09.

[S.F. 472](#)— Relating to and making appropriations to the judicial branch, and providing an effective date. Approved 5-4-09.

- [S.F. 474](#)– Relating to the bonding authorization of the state board of regents for buildings and facilities including bonding for flood repair, restoration, replacement, and mitigation at the state university of Iowa. Approved 5-14-09.
- [S.F. 475](#)– Relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions. Approved 5-26-09, with the exception of Section 4, subsection 5 and Section 5, subsection 6. See Governor's Item Veto Message.
- [S.F. 476](#)– Relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates. Approved 5-26-09.
- [S.F. 477](#)– Authorizing the treasurer of state to issue annual appropriation bonds, and creating an annual appropriation bonds debt service fund, an appropriation bonds capitals fund, a vertical infrastructure restricted capitals fund, making appropriations, and including an applicability provision. Approved 5-14-09.
- [S.F. 478](#)– 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 date and retroactive and other applicability provisions. Approved 5-26-09, with the exception of Section 21, Section 27, paragraph c and paragraph 3, Section 78, Section 134, Section 232, paragraph 6, Section 233, paragraph 6 and Section 234 paragraph h. See Governor's Item Veto Message.
- [S.F. 480](#)– Relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision. Approved 5-18-09.
- [S.F. 481](#)– Relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs. Approved 5-4-09.
- [S.F. 482](#)– Relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates. Approved 5-26-09.
- [S.F. 483](#)– Relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets

transfer agreements, eliminating the carryback of net operating losses, and including retroactive applicability date and other applicability date provisions. Approved 5-22-09.

[S.F. 484](#)–

Relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty. Approved 5-22-09.

GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communications were received and placed on file:

May 26, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 809](#), 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 effective and retroactive applicability dates. [House File 809](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated in Section 1, subsection 1, paragraph c, of this bill which directs departments to keep vehicles longer in order to reduce motor vehicle fleet operation and purchasing costs by 7.5 percent. I agree with the goal of decreasing state fleet costs, and that is one reason I disapprove of this section. Maintaining vehicles beyond their useful lifetime may actually increase fleet costs. I also disapprove this section because it infringes on the authority of the Executive Branch. The Department of Administrative Services is currently implementing new standards to reduce the cost of fleet operations, which will reduce vehicle fleet operations and purchasing costs.

I am unable to approve the item designated in Section 1, subsection 4, of the bill which prohibits the Department of Administrative Services from exceeding the rates set as of January 1, 2009, for services provided solely by the Department of Administrative Services to other Executive Branch agencies or departments. The current rates for some utility functions are artificially low due to use of other funds to cover expenses. These funds are now depleted and keeping the rates at the current level will harm the Department of Administrative Services' capacity to deliver other services.

I am unable to approve the item designated in Section 13, subsection 4, paragraph b, of the bill which directs the Department of Inspections and Appeals to provide information to the public via the internet relating to inspections, operating costs and FTE positions. Iowa is already a leader in providing families with the information they need to protect the health and safety of their loved ones. Though I strongly encourage

the Department to provide greater transparency, I disapprove this language because some of this data is collected during the survey and certification process and is maintained and controlled by the federal government. Any additional information would add very little benefit to the public but would be expensive to assemble and maintain. The Department has already made much of this information, especially regarding its inspections, part of the public record.

I am unable to approve the item designated in Section 13, subsection 4, paragraph c, of the bill which directs the Department of Inspections and Appeals to continuously solicit input from facilities regulated by the Department to assess and improve its level of collaboration. The Department of Inspections and Appeals currently works with those facilities regulated by the Department in a manner that is consistent with its regulatory duties as prescribed by Iowa law and expect all parties to work together on a regular basis in an honest and straightforward manner.

I am unable to approve the item designated as Section 27 in its entirety. This language directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been consistently required by the Legislature for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective, more efficient, and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I disapprove the item designated in Section 30, subsection 3, in the bill because a vehicle depreciation fund at the Department of Transportation does not exist. Therefore, this language would not be workable.

I disapprove the item designated in Section 37 which removes appropriations to the Department of Management for the Grants Enterprise System. I am unable to approve this language because funding for the Grants Enterprise System is now necessary to provide greater transparency for the availability and use of federal American Recovery and Reinvestment Act funds.

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 809](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 26, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 811](#), 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. [House File 811](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 28, subsection 3 in its entirety. This language requires the Department of Human Services to provide detailed proposals for any reorganization to the Legislature. It requires a 30-day advance notice. This provision infringes on the Executive Branch's duties to administer operations and programs. As I have previously stated, making government more efficient is a priority of my Administration, but we should not do it in a piecemeal fashion as this language would require. We need a more comprehensive reorganization.

I am unable to approve the item designated as Section 35 in its entirety. This language directs the Departments of Elder Affairs, Public Health, Human Services and Veterans Affairs to develop plans for a five-percent reduction in their respective budgets and a report of such reductions to the Legislature by December 15, 2009. A budget process is already delineated in law that starts with the Executive Branch, and this language infringes on the Executive Branch's duties to develop the state budget.

I am unable to approve the item designated as Section 37 in its entirety. Section 37 directs employees to submit actual receipts for meals and other costs and requires reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been consistently required by the Legislature for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve the item designated as Section 38 in its entirety. This language directs that all out-of-state travel for performance of official state business by state employees of the Departments of Elder Affairs, Public Health, Human Services and Veterans Affairs or agencies subject to this Act must be approved by the Executive Council. While only certain out-of-state travel must, by law, be approved by the Executive Council, this language would extend this requirement to all out-of-state travel for the performance of official state business by these agencies, including the University of Iowa Hospitals and Clinics (UIHC). Extending this requirement for all out-of-state travel for performance of official state business by UIHC is not in the best

interests of providing emergency medical care and taking care of patients. This language would set a different standard for these agencies. When economic conditions required such action last December, I restricted out-of-state travel by Executive Branch employees.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [House File 811](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 26, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 467](#), an Act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing for effective dates. [Senate File 467](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Division VI of this bill in its entirety. Division VI of the bill directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this division and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been consistently required by the Legislature for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I disapprove the item designated as Section 23 of this bill in its entirety. Section 23 delays the implementation date of the requirement to begin having septic tanks inspected at the time of property transfer from July 1, 2009 to July 1, 2010. With over 550 unsewered communities and over 100,000 leaking and/or malfunctioning septic systems in Iowa, this language is inconsistent with the objective of [Senate File 261](#) that I signed last year to protect and improve water quality and to assure home buyers that they are purchasing a property that has a functioning septic tank. Importantly, we now have funds available through the IJOBS Program that I proposed for helping unsewered communities, and as July 1, 2009, over 200 inspectors will be certified to inspect septic tanks.

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 467](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 26, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L
Dear Mr. Secretary:

I hereby transmit [Senate File 469](#), 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. [Senate File 469](#) is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 25 in its entirety. Section 25 of the bill directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed for actual expenses, this language would be particularly difficult to administer because similar language has not been included for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

For the above reasons, I respectfully disapprove of the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 469](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 26, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 470](#), 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 providing effective dates. [Senate File 470](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 13, subsection 3 of the bill. This item directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been included for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve Section 29 in its entirety. Section 29 creates a new Code Chapter, 261D.4 Provisional Withdrawal from Compact. The language authorizes the State of Iowa's withdrawal from the Midwestern Higher Education Compact effective July 1, 2009. While I appreciate that this language in Section 29 was developed as a cost-savings measure to save the state the cost of the annual membership in the Compact, such a temporary withdrawal from the Compact would violate the terms of the Compact in Iowa Code Chapter 261D. Additionally, Iowa state and local governments and school districts have saved over \$547,000 through group purchasing opportunities provided by Midwestern Higher Education Compact. The Board of Regents has committed to find the necessary funding in FY 2010 to continue Iowa's membership in the Compact.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 470](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 26, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 475](#), an Act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions. [Senate File 475](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 5 in its entirety. Subsection 5 calls for the Department of Corrections to eliminate the chief security officer position by June 30, 2011. My Administration last year made establishment of this position a high priority in order to maintain consistent security procedures and policies within the Department of Corrections. I disapprove this language because it infringes upon the Executive Branch authority to staff this much-needed position.

I am unable to approve the item designated as Section 5, subsection 6 in its entirety. This provision would require all Community Based Correctional (CBC) Facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language because it would cause each CBC facility to lose control of the types and number of offenders whom they serve in their residential program.

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 475](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

May 26, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 478](#), 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 date and retroactive and other applicability provisions. [Senate File 478](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 21 of [Senate File 478](#) in its entirety because this section requires the Department of Administrative Services to perform a job evaluation study of state employees for the purpose of determining whether the job classifications and pay grade levels are properly determined. The Department is to perform this study by randomly selecting state employees but was given no additional funding for such a study. Currently, the Department has in place a system of review to determine if an employee is properly classified, in which an employee can make a request for such a review. Pay grade reviews are handled through the collective bargaining process and should not be included in a random survey.

I am unable to approve the designated portions of lettered paragraph c and numbered paragraph 3 of Section 27 of [Senate File 478](#) in their entirety. Lettered

paragraph c requires notification of the Legislative Council before any reduction is made of supervisory positions. This notification has not been required before and is an imposition upon Executive Branch functions. Numbered paragraph 3 requires the Department of Management to report on out-of-state travel. The Legislative Services Agency has access to all of the accounting data that flows through centralized accounting, Executive Council minutes, along with the power to request additional information from those agencies that do not use centralized accounting and; therefore, should be able to generate the type of reports asked for in this section. Further, while I agree that in difficult economic times special attention should be given to the issue of eliminating unnecessary travel, I am approaching this issue in a matter that differs from the approach taken in this section. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve Section 78 of [Senate File 478](#) in its entirety. This section provides that a person whose license has been revoked for an operating while intoxicated (OWI) test failure after a prior OWI revocation for one year may apply after 45 days for a temporary restricted license to be issued by the Court. It is my understanding that this language was based on earlier information from the Iowa Department of Transportation that it would be in compliance with federal requirements. Further review now shows that this section will threaten the state's compliance with federal requirements for repeat offender laws.

I am unable to approve Section 134 of this bill in its entirety. This language would eliminate the tax credit to employers for purchasing assistive technology that allows them to employ persons with disabilities. This is not the time during this economic downturn to eliminate assistance for helping employers hire persons with disabilities, and I strongly encourage employers to use this tax credit.

I am unable to approve the designated portion of the first sentence of Section 232, numbered paragraph 6, the designated portion of the first sentence of Section 233, numbered paragraph 6 and the designated portion of the first sentence of Section 234, lettered paragraph h of [Senate File 478](#). These sections require the Department of Revenue to issue an annual report naming claimants of the research activities tax credit that receive refunds in amounts that exceed \$500,000. I strongly support transparency in government and understand the worthy intent of this provision, but I am concerned that the requirement that would have applied retroactively to tax returns filed on or after January 1, 2009 might be questionably written, might arguably affect taxpayers' due process rights and might, therefore, have opened the way to a lengthy court challenge. Because this is a retroactive tax reporting change, I cannot let such an alteration in longstanding tax policy affect taxpayers that have already legally filed tax returns. Therefore, I am unable to approve the retroactive 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 478](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor