

PROOF

STATE OF IOWA

House Journal

TUESDAY, MARCH 30, 2010

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JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 30, 2010

The House met pursuant to adjournment at 9:05 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Tom Schueller, state representative from Jackson County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by James Taylor, House Page from Mount Vernon.

The Journal of Monday, March 29, 2010 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Frevert of Palo Alto, from one hundred eighty-six constituents of House District 7 favoring a constitutional amendment stating marriage is between one man and one woman only.

By Frevert of Palo Alto, from fifteen constituents of House District 7 favoring "right to carry" legislation.

The House stood at ease at 9:09 a.m., until the fall of the gavel.

The House resumed session at 10:14 a.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wendt of Woodbury on request of McCarthy of Polk.

SENATE AMENDMENT CONSIDERED

Oldson of Polk called up for consideration [House File 2531](#), 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 applicability provisions, amended by the Senate amendment [H-8640](#):

[H-8640](#)

1 Amend [House File 2531](#), as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 6, by striking <and area education
4 agency>
5 2. Page 4, by striking lines 8 through 13 and
6 inserting:
7 <Sec. ____ INSTRUCTIONAL SUPPORT STATE AID –
8 APPROPRIATION. In lieu of the appropriation provided
9 in section 257.20, there is appropriated from the
10 school infrastructure fund created in section 12.82,
11 subsection 1, to the department of education for the
12 fiscal year beginning July 1, 2010, and ending June 30,
13 2011, the following amount, or so much thereof as is
14 necessary, to be used for the purposes designated:
15 For paying instructional support state aid for
16 fiscal year 2010-2011:
17 \$ 7,500,000
18 Notwithstanding section 257.20, subsection 3, the
19 appropriation made in this lettered paragraph shall
20 be allocated in the same manner as the allocation of
21 the appropriation was made for the same purpose in the
22 previous fiscal year.>
23 3. Page 6, after line 29 by inserting:
24 <Sec. ____ Section 257.35, subsection 5, Code
25 Supplement 2009, is amended to read as follows:
26 5. Notwithstanding subsection 1, and in addition to
27 the reduction applicable pursuant to subsection 2, the
28 state aid for area education agencies and the portion
29 of the combined district cost calculated for these
30 agencies for each fiscal year of the fiscal period
31 beginning July 1, 2008, and ending June 30, ~~2010~~ 2011,
32 shall be reduced by the department of management by two
33 million five hundred thousand dollars. The reduction
34 for each area education agency for each fiscal year of
35 the fiscal period beginning July 1, 2008, and ending
36 June 30, ~~2010~~ 2011, shall be prorated based on the

37 reduction that the agency received in the fiscal year
38 beginning July 1, 2003.>
39 4. Page 10, line 20, by striking <may> and
40 inserting <shall not>
41 5. Page 13, line 21, after <officer,> by inserting
42 <state debt coordinator.>
43 6. Page 28, after line 7 by inserting:
44 <Sec. _____. 2010 Iowa Acts, [Senate File 2366](#),
45 section 16, if enacted, is amended to read as follows:
46 SEC. 16. EFFECTIVE DATE – APPLICABILITY. ~~This~~
47 ~~section~~ The sections of this division of this Act
48 providing for transfers involving the college student
49 aid commission and the department of inspections and
50 appeals are retroactively applicable to December 14,

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1 2009, and apply in lieu of the transfers made for the
2 same purposes by the executive branch, as reported by
3 the department of management in the transfer notices
4 dated December 14, 2009.>
5 7. Page 29, after line 30 by inserting:
6 <____. The section of this division of this Act
7 amending 2010 Iowa Acts, [Senate File 2366](#), section 16.>
8 8. Page 30, after line 8 by inserting:
9 <Sec. _____. DEPARTMENT OF CULTURAL AFFAIRS –
10 MERCHANT MARINE BONUS FUND. There is appropriated
11 from the merchant marine bonus fund of the state to
12 the department of cultural affairs for the fiscal year
13 beginning July 1, 2010, and ending June 30, 2011, any
14 moneys remaining in the fund after the appropriation
15 made pursuant to 2010 Iowa Acts, [House File 2526](#),
16 to be used for any costs relating to a study of the
17 U.S.S. Iowa and for departmental salaries, support,
18 maintenance, and miscellaneous purposes.
19 Notwithstanding section 8.33, moneys appropriated in
20 this section that remain unencumbered or unobligated
21 at the close of the fiscal year shall not revert but
22 shall remain available for expenditure for the purposes
23 designated until the close of the succeeding fiscal
24 year.>
25 9. Page 30, after line 8 by inserting:
26 <Sec. _____. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND
27 STORAGE TANK FUND – APPROPRIATIONS. There is
28 appropriated from the Iowa comprehensive petroleum
29 underground storage tank fund created in section 455G.3
30 to the following departments and agencies for the
31 fiscal year beginning July 1, 2010, and ending June
32 30, 2011, the following amounts, or so much thereof as
33 is necessary, to be used for the purposes designated,
34 notwithstanding section 455G.3, subsection 1:
35 1. DEPARTMENT OF PUBLIC HEALTH – BOARD OF PHARMACY

36	a. For support of the Iowa pharmacy recovery		
37	network:		
38	\$	100,000
39	b. For continuation of the pharmaceutical		
40	collection and disposal pilot program established		
41	pursuant to 2009 Iowa Acts, chapter 175, section 9:		
42	\$	150,000
43	2. DEPARTMENT OF ADMINISTRATIVE SERVICES		
44	For costs associated with providing autism spectrum		
45	disorders coverage pursuant to section 514C.26, as		
46	enacted by this Act:		
47	\$	140,000
48	3. STATE BOARD OF REGENTS		
49	a. For the state school for the deaf:		
50	\$	233,000

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1	b. For Iowa braille and sight saving school:		
2	\$	137,000
3	4. DEPARTMENT OF EDUCATION – VOCATIONAL		
4	REHABILITATION SERVICES DIVISION		
5	For a program for farmers with disabilities:		
6	\$	97,000
7	The funds appropriated in this subsection shall		
8	be used for the public purpose of providing a grant		
9	to a national nonprofit organization with over 80		
10	years of experience in assisting children and adults		
11	with disabilities and special needs. The funds shall		
12	be used for a nationally recognized program that		
13	began in 1986 and has been replicated in at least 30		
14	other states, but which is not available through any		
15	other entity in this state, that provides assistance		
16	to farmers with disabilities in all 99 counties to		
17	allow the farmers to remain in their own homes and		
18	be gainfully engaged in farming through provision		
19	of agricultural worksite and home modification		
20	consultations, peer support services, services to		
21	families, information and referral, and equipment		
22	loan services. Notwithstanding section 8.33, moneys		
23	appropriated in this section that remain unencumbered		
24	or unobligated at the close of the fiscal year shall		
25	not revert but shall remain available for expenditure		
26	for the purposes designated until the close of the		
27	succeeding fiscal year.>		
28	____. DEPARTMENT OF HUMAN SERVICES		
29	For restoring for the fiscal year beginning July 1,		
30	2010, a portion of the reimbursement rate reduction		
31	that was applied in the previous fiscal year to		
32	adoption, family foster care, group foster care, and		
33	supervised apartment living services providers, to		
34	implement appropriations reductions applied pursuant to		

35 executive order number 19 issued October 8, 2010:
 36 \$ 1,000,000
 37 The department shall increase the reimbursement
 38 rates otherwise specified in 2010 Iowa Acts, House File
 39 2526, if enacted, for the designated services providers
 40 by an equal percentage in order to fully utilize the
 41 amount appropriated in this subsection.
 42 5. DEPARTMENT OF COMMERCE – DIVISION ___ OF INSURANCE
 43 For costs associated with establishing the Iowa
 44 insurance information exchange pursuant to section
 45 505.32, if enacted by 2010 Iowa Acts, [Senate File 2356](#):
 46 \$ 150,000
 47 10. Page 30, after line 8 by inserting:
 48 <Sec. ____ FISCAL YEAR 2009-2010 –
 49 APPROPRIATIONS. There is appropriated from the
 50 general fund of the state to the following departments

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1 and agencies for the fiscal year beginning July 1,
 2 2009, and ending June 30, 2010, the following amounts,
 3 or so much thereof as is necessary, to be used for the
 4 purposes designated:
 5 1. DEPARTMENT OF MANAGEMENT
 6 For salaries, support, maintenance, and
 7 miscellaneous purposes:
 8 \$ 200,000
 9 2. DEPARTMENT OF REVENUE
 10 For the duties of the office of the state debt
 11 coordinator established in 2010 Iowa Acts, Senate
 12 File 2383, if enacted, including salaries, support,
 13 maintenance, services, advertising, miscellaneous
 14 purposes, and for not more than the following full-time
 15 equivalent positions:
 16 \$ 300,000
 17 FTEs 3.00
 18 For the period beginning on the effective date of
 19 the section establishing the debt amnesty program in
 20 2010 Iowa Acts, [Senate File 2383](#), through November 30,
 21 2010, or when the program is ended, whichever is later,
 22 an amount of the proceeds collected by the program
 23 equal to the administrative, advertising, and other
 24 costs of the program shall be considered repayment
 25 receipts, as defined in section 8.2, and shall be used
 26 by the office of the state debt coordinator for those
 27 costs.
 28 Notwithstanding section 8.33, moneys appropriated in
 29 this section that remain unencumbered or unobligated
 30 at the close of the fiscal year shall not revert but
 31 shall remain available for expenditure for the purposes
 32 designated until the close of the succeeding fiscal
 33 year.>

34 11. Page 30, after line 21 by inserting:
 35 <Sec. _____. SCHOOL READY CHILDREN GRANT
 36 REQUIREMENT. For the fiscal year beginning July 1,
 37 2010, and ending June 30, 2011, the early childhood
 38 Iowa state board may grant a school ready children
 39 grant waiver as to the required percentage of family
 40 support program to be committed to a home visitation
 41 component to an early childhood Iowa area that is
 42 funding the teaching interventions to empower and
 43 strengthen families program and is more than 10 percent
 44 away from meeting the required percentage.>

45 12. Page 30, after line 21 by inserting:
 46 <Sec. _____. MEDICAID FRAUD ACCOUNT – DEPARTMENT OF
 47 INSPECTIONS AND APPEALS. There is appropriated from
 48 the Medicaid fraud account created in section 249A.7
 49 to the department of inspections and appeals for the
 50 fiscal year beginning July 1, 2010, and ending June 30,

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1 2011, the following amount or so much thereof as is
 2 necessary, to be used for the purposes designated:
 3 For salaries, support, maintenance, miscellaneous
 4 purposes, administration, and other costs associated
 5 with implementation of 2010 Iowa Acts, Senate File
 6 2333, if enacted:
 7 \$ 250,000>

8 13. Page 30, after line 21 by inserting:
 9 <Sec. _____. TAIWAN TRADE OFFICE – IOWA
 10 COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE
 11 TANK FUND. There is appropriated from the Iowa
 12 comprehensive petroleum underground storage tank fund
 13 to the department of economic development for the
 14 fiscal year beginning July 1, 2010, and ending June 30,
 15 2011, the following amount, or so much thereof as is
 16 necessary, to be used for the purposes designated:
 17 Notwithstanding section 455G.3, subsection 1, for
 18 establishing a trade office in Taipei, Taiwan:
 19 \$ 100,000

20 If the department cannot arrange for matching moneys
 21 from another source in an amount at least equal to
 22 the appropriation made in this section, the moneys
 23 appropriated in this section shall revert to the Iowa
 24 comprehensive petroleum underground storage tank fund.>

25 14. Page 30, after line 21 by inserting:
 26 <Sec. _____. INSURANCE DIVISION. There is
 27 appropriated from the department of commerce revolving
 28 fund created in section 546.12 to the insurance
 29 division of the department of commerce for the fiscal
 30 year beginning July 1, 2010, and ending June 30,
 31 2011, the following amount, or so much thereof as is
 32 necessary, to be used for the purposes designated:

33 For salaries, support, maintenance, miscellaneous
 34 purposes, and for not more than the following full-time
 35 equivalent positions:
 36 \$ 55,000
 37 FTEs 1.00>

38 15. Page 30, after line 33 by inserting:

39 <___. DEPARTMENT OF EDUCATION

40 a. To provide funding in addition to the amount
 41 appropriated in 2010 Iowa Acts, [Senate File 2376](#),
 42 section 6, subsection 14, for allocation to eligible
 43 school districts for the four-year-old preschool
 44 program under chapter 256C:
 45 \$ 4,000,000

46 b. For school districts to provide direct
 47 services to the most at-risk senior high school
 48 students enrolled in school districts through direct
 49 intervention by a jobs for America's graduates
 50 specialist:

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1 \$ 540,000
 2 ___. DEPARTMENT OF NATURAL RESOURCES
 3 For operations, notwithstanding restrictions
 4 otherwise applicable under 2010 Iowa Acts, House File
 5 2525, relating to private buildings, if enacted:

6 \$ 300,000

7 ___. DEPARTMENT OF HUMAN SERVICES

8 For funding of shelter care in addition to the
 9 amount allocated for this purpose in the appropriation
 10 for child and family services in 2010 Iowa Acts, House
 11 File 2526, if enacted:
 12 \$ 500,000

13 ___. OFFICE OF ENERGY INDEPENDENCE

14 For deposit in the Iowa power fund:
 15 \$ 2,000,000>

16 16. Page 30, after line 33 by inserting:

17 <___. IOWA FINANCE AUTHORITY

18 a. To a county with a population between 189,000
 19 and 196,000 in the last preceding certified federal
 20 census for rehabilitation of a flood damaged public
 21 service center:
 22 \$ 4,500,000

23 b. To a city with a population between 120,500
 24 and 120,800 in the last preceding certified federal
 25 census for rehabilitation and renovation of a federal
 26 courthouse and to meet federal flood mitigation
 27 standards:
 28 \$ 2,100,000>

29 17. Page 31, line 18, after <agreement> by
 30 inserting <executed on or before December 31, 2011>

31 18. Page 31, line 22, after <subsection 8,> by

32 inserting <for its facilities described in section
33 327F.2 governed by the written agreement>
34 19. Page 31, after line 23 by inserting:
35 <Sec. ____ RENEWABLE BIOMASS. It is the intent of
36 the general assembly that the Iowa power fund board
37 and the department of economic development use moneys
38 appropriated to the Iowa power fund and the department
39 of economic development to encourage projects utilizing
40 biomass made from renewable biomass to produce inputs
41 for agricultural purposes that replace products that
42 are produced using fossil fuels as the raw materials.
43 The projects shall include but not be limited to
44 products such as anhydrous ammonia.>
45 20. Page 31, after line 23 by inserting:
46 <Sec. ____ DEPARTMENT OF CULTURAL AFFAIRS. The
47 department of cultural affairs, in its capacity as the
48 state historic preservation officer and consulting
49 party for the purpose of satisfying the requirements of
50 the federal National Historic Preservation Act, shall

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1 be no more restrictive than the federal agency for
2 which it is acting as such consulting party.>
3 21. Page 32, after line 14 by inserting:
4 <Sec. ____ PUBLIC LIBRARY SUPPORT LEVY – ELECTION
5 DATE.
6 1. Notwithstanding the election date required under
7 section 384.12, subsections 1 and 21, a city may submit
8 a proposition relating to a public library property
9 tax levy to the electorate on a date specified in
10 section 39.2, subsection 4, paragraph "b", if all of
11 the following conditions are met:
12 a. The city is located in whole or in part in an
13 area that the governor proclaimed a disaster emergency
14 or the president of the United States declared a major
15 disaster, as the result of a natural disaster occurring
16 during the period of time beginning May 1, 2008, and
17 ending August 1, 2008.
18 b. The city contains a public library that was
19 damaged by the natural disaster described in paragraph
20 "a".
21 2. An election under subsection 1 shall be held not
22 later than August 2, 2011.>
23 22. Page 32, after line 14 by inserting:
24 <Sec. ____ MH/MR/DD SERVICES FUND
25 TRANSFER. Notwithstanding section 331.424A,
26 subsection 5, and section 331.432, subsection 3, for
27 the fiscal year beginning July 1, 2010, and ending
28 June 30, 2011, a county may transfer moneys from other
29 funds of the county to the county's mental health,
30 mental retardation, and developmental disabilities

31 services fund created in section 331.424A. A county
32 transferring moneys from other funds of the county to
33 the county's services fund pursuant to this section
34 shall submit a report detailing the transfers made and
35 funds affected. The county shall submit the report
36 along with the county expenditure and information
37 report submitted by December 1, 2010, in accordance
38 with section 331.439.>

39 23. Page 32, after line 27 by inserting:
40 <Sec. _____. LIMITED LIABILITY COMPANIES – BIENNIAL
41 REPORTS.

42 1. The biennial report fee, as determined by
43 the secretary of state in accordance with section
44 490A.1320, subsection 1, received for reports filed
45 on or after July 1, 2006, shall be credited to the
46 general fund of the state. The biennial report fee
47 shall be due at the time the report is filed. On or
48 after July 1, 2006, such biennial reports shall be
49 due in even-numbered calendar years during the period
50 beginning January 1, and ending April 1, and shall

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1 contain information relating to the two-year period
2 immediately preceding the calendar year in which the
3 report is filed.

4 2. a. This section, being deemed of immediate
5 importance, takes effect upon enactment and applies
6 retroactively to July 1, 2006.

7 b. A limited liability company that has not filed
8 the biennial report for 2008 or 2010 shall file such
9 report on or before June 30, 2010.>

10 24. Page 35, line 26, before <As> by inserting <1.>

11 25. Page 36, after line 15 by inserting:

12 <2. Parties who by agreement are utilizing a
13 cooperative alternative bargaining process shall, at
14 the outset of such process, agree upon a method and
15 schedule for the completion of impasse procedures
16 should they fail to reach a collective bargaining
17 agreement through the use of such alternative
18 bargaining process.>

19 26. Page 38, after line 11 by inserting:

20 <Sec. _____. Section 123.30, subsection 3, paragraph
21 e, subparagraph (1), Code Supplement 2009, is amended
22 to read as follows:

23 (1) A class "E" liquor control license may be
24 issued and shall authorize the holder to purchase
25 alcoholic liquor from the division only and high
26 alcoholic content beer from a class "AA" beer permittee
27 only and to sell the alcoholic liquor and high
28 alcoholic content beer to patrons for consumption
29 off the licensed premises and to other liquor control

30 licensees. A class "E" license shall not be issued
31 to premises at which gasoline is sold. A holder of
32 a class "E" liquor control license may hold other
33 retail liquor control licenses or retail wine or beer
34 permits, but the premises licensed under a class "E"
35 liquor control license shall be separate from other
36 licensed premises, though the separate premises may
37 have a common entrance. However, the holder of a class
38 "E" liquor control license may also hold a class "B"
39 wine or class "C" beer permit or both for the premises
40 licensed under a class "E" liquor control license.>

41 27. Page 38, by striking lines 12 through 28 and
42 inserting:

43 <Sec. ____ Section 155A.6A, subsection 3, Code
44 2009, is amended to read as follows:

45 3. a. Beginning ~~July 1, 2009~~ December 31, 2012,
46 a person who is in the process of acquiring national
47 certification as a pharmacy technician and who is
48 in training to become a pharmacy technician shall
49 register with the board as a pharmacy technician. The
50 registration shall be issued for a period not to exceed

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1 one year and shall not be renewable.

2 b. A person who is registered as a pharmacy
3 technician or a pharmacy technician trainee prior
4 to January 1, 2010, who has worked as a pharmacy
5 technician or pharmacy technician trainee for a minimum
6 of two thousand hours in the previous eighteen months
7 under the direction of a licensed pharmacist shall
8 have until December 31, 2013, to attain certification
9 pursuant to this section. The supervising pharmacist
10 shall be responsible for verifying with the Iowa board
11 of pharmacy that any person affected by this paragraph
12 continues to have a minimum of two thousand hours of
13 supervised training in any eighteen-month period of
14 time between January 1, 2010, and December 31, 2013.>

15 28. Page 39, after line 18 by inserting:

16 <Sec. ____ Section 237.3, subsection 2, paragraph
17 f, Code Supplement 2009, is amended to read as follows:

18 f. Housing, health, safety, and medical care
19 policies for children receiving child foster care. The
20 medical care policies shall include but are not limited
21 to all of the following:

22 (1) Provision by the department to the foster care
23 provider at or before the time of a child's placement
24 of the child's health records and any other information
25 possessed or known about the health of the child or
26 about a member of the child's family that pertains to
27 the child's health.

28 (2) If the health records supplied in accordance

29 with the child's case permanency plan to the foster
30 care provider are incomplete or the provider requests
31 specific health information, provision for obtaining
32 additional health information from the child's
33 parent or other source and supplying the additional
34 information to the foster care provider.

35 (3) Provision for emergency health coverage of
36 the child while the child is engaged in temporary
37 out-of-state travel with the child's foster family.
38 Sec. ____ Section 237.3, subsection 2, paragraph
39 k, subparagraph (1), Code Supplement 2009, is amended
40 to read as follows:

41 (1) Receiving information prior to the child's
42 placement regarding risk factors concerning the child
43 that are known to the department, including but not
44 limited to notice if the child is required to register
45 under chapter 692A.>

46 29. By striking page 39, line 33, through page 40,
47 line 29.

48 30. Page 40, after line 29 by inserting:
49 <Sec. ____ Section 314.17, as amended by 2010 Iowa
50 Acts, [House File 2458](#), if enacted, is amended by adding

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1 the following new subsections:

2 NEW SUBSECTION. 7. Within fifty feet of a drainage
3 tile or tile intake.

4 NEW SUBSECTION. 8. For access to a mailbox or for
5 other accessibility purposes.

6 NEW SUBSECTION. 9. On rights-of-way adjacent to
7 agricultural demonstration or research plots.>

8 31. Page 40, after line 29 by inserting:
9 <Sec. ____ Section 321.18, Code Supplement 2009, is
10 amended by adding the following new subsection:

11 NEW SUBSECTION. 10. Any trailer that is used
12 exclusively for the transportation, display, and
13 distribution of flags honoring deceased veterans in
14 parades or ceremonies held on Memorial Day, Veterans
15 Day, or other patriotic occasions as authorized by
16 resolution of the local government of the community
17 where the parade or ceremony takes place. A trailer
18 exempt from registration under this subsection shall
19 only be used on city streets or secondary roads on the
20 day of a parade or ceremony specified in the local
21 government's resolution, and a copy of the resolution
22 shall be carried at all times in the vehicle pulling
23 the trailer.>

24 32. Page 40, after line 29 by inserting:
25 <Sec. ____ Section 321.463, subsection 5, paragraph
26 c, Code Supplement 2009, is amended to read as follows:
27 c. (1) The maximum gross weight allowed to be

28 carried on a ~~livestock or construction~~ commercial
 29 motor vehicle, ~~other than a special truck~~, on
 30 noninterstate highways, provided the vehicle is
 31 operated by a person with a commercial driver's license
 32 valid for the vehicle operated unless section 321.176A
 33 applies, is as follows:
 34 NONINTERSTATE HIGHWAYS
 35 MAXIMUM GROSS WEIGHT TABLE
 36 ~~LIVESTOCK OR CONSTRUCTION~~COMMERCIAL MOTOR VEHICLE
 37 Distance
 38 in feet 6 Axles 7 Axles \$YUL
 40 44 80,500 80,500
 41 45 81,000 81,500
 42 46 81,500 82,500
 43 47 82,000 83,500
 44 48 83,000 84,000
 45 49 83,500 85,000
 46 50 84,000 86,000
 47 51 84,500 87,000
 48 52 85,000 88,000
 49 53 86,000 88,500
 50 54 86,500 89,500

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1	55	87,000	90,500
2	56	87,500	91,500
3	57	88,000	92,000
4	58	89,000	93,000
5	59	89,500	94,000
6	60	90,000	95,000
7	61		95,500
8	62		96,000

9 (2) Notwithstanding any provision of this section
 10 to the contrary, the maximum gross weight allowed to
 11 be carried on a noninterstate highway by a livestock
 12 vehicle with five axles, a minimum distance in feet
 13 between the centers of the first and fifth axles of
 14 sixty-one feet, and a minimum distance between the
 15 two rear axles of at least eight feet and one inch is
 16 eighty-six thousand pounds.>

17 33. Page 40, after line 29 by inserting:

18 <Sec. ____ NEW SECTION. 261D.4 Payment of dues.
 19 On an annual basis, the department of management
 20 shall apportion the dues assessed for membership in the
 21 midwestern higher education compact to various sectors
 22 of education including the department of education, the
 23 community college trustees, the Iowa association of
 24 independent colleges and universities, and the state
 25 board of regents. The apportionment shall be based on
 26 actual savings achieved in the previous fiscal year
 27 by each sector of education in a manner determined

28 by the department of management. The department of
 29 management shall make payment on behalf of the state
 30 to the midwestern higher education compact commission
 31 and shall seek reimbursement from each sector of
 32 education based on the apportionment determined by the
 33 department.>

34 34. Page 40, after line 29 by inserting:

35 <Sec. ____ Section 321.482A, unnumbered paragraph
 36 1, Code 2009, is amended to read as follows:

37 Notwithstanding section 321.482, a person who is
 38 convicted of operating a motor vehicle in violation of
 39 section 321.256, 321.257, section 321.275, subsection
 40 4, section 321.297, 321.298, 321.299, 321.302, 321.303,
 41 321.304, 321.305, 321.306, 321.307, 321.308, section
 42 321.309, subsection 2, or section 321.311, 321.319,
 43 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
 44 321.324A, 321.327, 321.329, or 321.333 causing serious
 45 injury to or the death of another person may be subject
 46 to the following penalties in addition to the penalty
 47 provided for a scheduled violation in section 805.8A or
 48 any other penalty provided by law:>

49 35. Page 40, after line 29 by inserting:

50 <Sec. ____ Section 421.27, subsection 6, Code 2009,

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1 is amended to read as follows:

2 6. Improper receipt of refund or credit. A person
 3 who makes an erroneous application for refund or
 4 credit shall be liable for any overpayment received
 5 or tax liability reduced plus interest at the rate
 6 in effect under section 421.7. In addition, a
 7 person who willfully makes a false or frivolous
 8 application for refund or credit with intent to evade
 9 tax or with intent to receive a refund or credit
 10 to which the person is not entitled is guilty of
 11 a fraudulent practice and is liable for a penalty
 12 equal to seventy-five percent of the refund or credit
 13 being claimed. Repayments Payments, penalties, and
 14 interest due under this subsection may be collected and
 15 enforced in the same manner as the tax imposed.>

16 36. Page 40, after line 29 by inserting:

17 <Sec. ____ Section 421C.3, subsection 15, if
 18 enacted by 2010 Iowa Acts, [Senate File 2383](#), is amended
 19 to read as follows:

20 15. a. The director of revenue shall establish an
 21 account and shall deposit in the account all receipts
 22 received under the program established by the state
 23 debt coordinator. Not later than the fifteenth day of
 24 each month, the director shall deposit amounts received
 25 with the treasurer of state for deposit in the general
 26 fund of the state.

27 b. Of the amount of debt actually collected
28 pursuant to the program, the department of revenue
29 shall retain an amount, not to exceed the amount
30 collected, that is sufficient to pay for salaries,
31 support, maintenance, services, advertising, and other
32 costs incurred by the coordinator relating to the
33 program. Revenues retained by the office pursuant to
34 this lettered paragraph shall be considered repayment
35 receipts as defined in section 8.2.>

36 37. Page 42, after line 5 by inserting:

37 <Sec. ____ Section 600C.1, Code 2009, is amended by
38 striking the section and inserting in lieu thereof the
39 following:

40 600C.1 Grandparent and great-grandparent visitation.

41 1. The grandparent or great-grandparent of a
42 minor child may petition the court for grandchild or
43 great-grandchild visitation when the parent of the
44 minor child, who is the child of the grandparent or the
45 grandchild of the great-grandparent, is deceased.

46 2. The court shall consider a fit parent's
47 objections to granting visitation under this section.
48 A rebuttable presumption arises that a fit parent's
49 decision to deny visitation to a grandparent or
50 great-grandparent is in the best interest of a minor

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1 child.

2 3. The court may grant visitation to the
3 grandparent or great-grandparent under this section
4 if the court finds all of the following by clear and
5 convincing evidence:

6 a. It is in the best interest of the child to grant
7 such visitation.

8 b. The grandparent or great-grandparent has
9 established a substantial relationship with the child
10 prior to the filing of the petition.

11 c. That the presumption that the parent who is
12 being asked to temporarily relinquish care, custody,
13 and control of the child to provide visitation is fit
14 to make the decision regarding visitation is overcome
15 by demonstrating one of the following:

16 (1) The parent is unfit to make such decision.

17 (2) The parent's judgment has been impaired and the
18 relative benefit to the child of granting visitation
19 greatly outweighs any effect on the parent-child
20 relationship. Impaired judgment of a parent may be
21 evidenced by any of, but not limited to, the following:

22 (a) Neglect of the child.

23 (b) Abuse of the child.

24 (c) Violence toward the child.

25 (d) Indifference or absence of feeling toward the

26 child.

27 (e) Demonstrated unwillingness and inability to
28 promote the emotional and physical well-being of the
29 child.

30 (f) Drug abuse.

31 (g) A diagnosis of mental illness.

32 4. In determining the best interest of the child,

33 the court shall consider all of the following:

34 a. The prior interaction and interrelationships of
35 the child with the child's parents, siblings, and other
36 persons related by consanguinity or affinity, compared
37 to the child's relationship with the grandparent or
38 great-grandparent.

39 b. The geographical location of the grandparent's
40 or great-grandparent's residence and the distance
41 between the grandparent's or great-grandparent's
42 residence and the child's residence.

43 c. The child's and parent's available time,
44 including but not limited to the parent's employment
45 schedule, the child's school schedule, the amount of
46 time that will be available for the child to spend with
47 siblings, and the child's and the parent's holiday and
48 vacation schedules.

49 d. The age of the child.

50 e. If the court has interviewed the child in

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1 chambers as provided in this section regarding the
2 wishes and concerns of the child as to visitation
3 by the grandparent or great-grandparent or as to a
4 specific visitation schedule, the wishes and concerns
5 of the child, as expressed to the court.

6 f. The health and safety of the child.

7 g. The mental and physical health of all parties.

8 h. Whether the grandparent or great-grandparent
9 previously has been convicted of or pleaded guilty to
10 any criminal offense involving any act that resulted
11 in a child being an abused child or a neglected child;
12 whether the grandparent or great-grandparent previously
13 has been convicted of or pleaded guilty to a crime
14 involving a victim who at the time of the commission
15 of the offense was a member of the family or household
16 that is the subject of the current proceeding; and
17 whether there is reason to believe that the grandparent
18 or great-grandparent has acted in a manner resulting in
19 a child having ever been found to be an abused child
20 or a neglected child.

21 i. The wishes and concerns of the child's parent,
22 as expressed by the parent to the court.

23 j. Any other factor in the best interest of the
24 child.

25 5. For the purposes of this subsection "substantial
26 relationship" includes but is not limited to any of the
27 following:

28 a. The child has lived with the grandparent or
29 great-grandparent for at least six months.

30 b. The grandparent or great-grandparent has
31 voluntarily and in good faith supported the child
32 financially in whole or in part for a period of not
33 less than six months.

34 c. The grandparent or great-grandparent has had
35 frequent visitation including occasional overnight
36 visitation with the child for a period of not less than
37 one year.

38 6. If the court interviews any child concerning
39 the child's wishes and concerns regarding parenting
40 time or visitation, the interview shall be conducted
41 in chambers, and only the child, the child's attorney,
42 the judge, any necessary court personnel, and, in the
43 judge's discretion, the attorney of the parent shall
44 be permitted to be present in the chambers during the
45 interview. A person shall not obtain or attempt to
46 obtain from a child a written or recorded statement or
47 affidavit setting forth the wishes and concerns of the
48 child regarding parenting time or visitation.

49 7. For the purposes of this section, "court" means
50 the district court or the juvenile court if that court

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1 currently has jurisdiction over the child in a pending
2 action. If an action is not pending, the district
3 court has jurisdiction.

4 8. Notwithstanding any provision of this chapter
5 to the contrary, venue for any action to establish,
6 enforce, or modify visitation under this section shall
7 be in the county where the child resides if no final
8 custody order determination relating to the grandchild
9 or great-grandchild has been entered by any other
10 court. If a final custody order has been entered by
11 any other court, venue shall be located exclusively in
12 the county where the most recent final custody order
13 was entered. If any other custodial proceeding is
14 pending when an action to establish, enforce, or modify
15 visitation under this section is filed, venue shall be
16 located exclusively in the county where the pending
17 custodial proceeding was filed.

18 9. Notice of any proceeding to establish, enforce,
19 or modify visitation under this section shall be
20 personally served upon the parent of the child
21 whose interests are affected by a proceeding brought
22 pursuant to this section and all grandparents or
23 great-grandparents who have previously obtained a final

24 order or commenced a proceeding under this section.

25 10. The court shall not enter any temporary order
26 to establish, enforce, or modify visitation under this
27 section.

28 11. An action brought under this section is subject
29 to chapter 598B, and in an action brought to establish,
30 enforce, or modify visitation under this section,
31 each party shall submit in its first pleading or in an
32 attached affidavit all information required by section
33 598B.209.

34 12. A grandparent or great-grandparent shall not
35 petition for visitation under this section more than
36 once every two years absent a showing of good cause.

37 13. The court shall not issue an order restricting
38 the movement of the child if such restriction is
39 solely for the purpose of allowing the grandparent
40 or great-grandparent the opportunity to exercise the
41 grandparent's or great-grandparent's visitation under
42 this section.>

43 38. Page 42, after line 5 by inserting:

44 <Sec. ____ NEW SECTION. 514C.26 Autism spectrum
45 disorders coverage.

46 1. Notwithstanding the uniformity of treatment
47 requirements of section 514C.6, a group plan
48 established pursuant to chapter 509A for employees
49 of the state providing for third-party payment or
50 prepayment of health, medical, and surgical coverage

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1 benefits shall provide coverage benefits to covered
2 individuals under twenty-one years of age for the
3 diagnostic assessment of autism spectrum disorders and
4 for the treatment of autism spectrum disorders.

5 2. As used in this section, unless the context
6 otherwise requires:

7 a. "Applied behavioral analysis" means the design,
8 implementation, and evaluation of environmental
9 modifications, using behavioral stimuli and
10 consequences, to produce socially significant
11 improvement in human behavior or to prevent loss of
12 attained skill or function, including the use of direct
13 observation, measurement, and functional analysis of
14 the relations between environment and behavior.

15 b. "Autism service provider" means a person, or
16 group providing treatment of autism spectrum disorders.
17 An autism service provider that provides treatment
18 of autism spectrum disorders that includes applied
19 behavioral analysis shall be certified as a behavior
20 analyst by the behavior analyst certification board or
21 shall be a health professional licensed under chapter
22 147.

23 c. "Autism spectrum disorders" means any of
24 the pervasive developmental disorders including
25 autistic disorder, Asperger's disorder, and pervasive
26 developmental disorders not otherwise specified. The
27 commissioner, by rule, shall define "autism spectrum
28 disorders" consistent with definitions provided in
29 the most recent edition of the American psychiatric
30 association's diagnostic and statistical manual of
31 mental disorders, as such definitions may be amended
32 from time to time. The commissioner may adopt the
33 definitions provided in such manual by reference.

34 d. "Diagnostic assessment of autism spectrum
35 disorders" means medically necessary assessment,
36 evaluations, or tests performed by a licensed
37 physician, licensed physician assistant, licensed
38 psychologist, or licensed registered nurse practitioner
39 to diagnose whether an individual has an autism
40 spectrum disorder.

41 e. "Pharmacy care" means medications prescribed by
42 a licensed physician, licensed physician assistant,
43 or licensed registered nurse practitioner and any
44 assessment, evaluation, or test prescribed or ordered
45 by a licensed physician, licensed physician assistant,
46 or licensed registered nurse practitioner to determine
47 the need for or effectiveness of such medications.

48 f. "Psychiatric care" means direct or consultative
49 services provided by a licensed physician who
50 specializes in psychiatry.

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1 g. "Psychological care" means direct or consultative
2 services provided by a licensed psychologist.

3 h. "Rehabilitative care" means professional services
4 and treatment programs, including applied behavioral
5 analysis, provided by an autism service provider to
6 produce socially significant improvement in human
7 behavior or to prevent loss of attained skill or
8 function.

9 i. "Therapeutic care" means services provided by
10 a licensed speech pathologist, licensed occupational
11 therapist, or licensed physical therapist.

12 j. "Treatment of autism spectrum disorders" means
13 treatment that is identified in a treatment plan and
14 includes medically necessary pharmacy care, psychiatric
15 care, psychological care, rehabilitative care, and
16 therapeutic care that is one of the following:

17 (1) Prescribed, ordered, or provided by a licensed
18 physician, licensed physician assistant, licensed
19 psychologist, licensed social worker, or licensed
20 registered nurse practitioner.

21 (2) Provided by an autism service provider.

22 (3) Provided by a person, entity, or group that
23 works under the direction of an autism service
24 provider.

25 k. "Treatment plan" means a plan for the treatment
26 of autism spectrum disorders developed by a licensed
27 physician or licensed psychologist pursuant to a
28 comprehensive evaluation or reevaluation performed
29 in consultation with the patient and the patient's
30 representative.

31 3. Coverage is required pursuant to this section in
32 a maximum benefit amount of not more than thirty-six
33 thousand dollars per year but shall not be subject
34 to any limits on the number of visits to an autism
35 service provider for treatment of autism spectrum
36 disorders. Beginning in 2014, the commissioner
37 shall, on or before April 1 of each calendar year,
38 publish an adjustment to the maximum benefit required
39 equal to the percentage change in the United States
40 department of labor consumer price index for all urban
41 consumers in the preceding year, and the published
42 adjusted maximum benefit shall be applicable to group
43 policies, contracts, or plans subject to this section
44 that are issued or renewed on or after January 1 of
45 the following calendar year. Payments made under a
46 group plan subject to this section on behalf of a
47 covered individual for treatment of a health condition
48 unrelated to or distinguishable from the individual's
49 autism spectrum disorder shall not be applied toward
50 any maximum benefit established under this subsection.

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1 4. Coverage required pursuant to this section shall
2 be subject to copayment, deductible, and coinsurance
3 provisions, and any other general exclusions or
4 limitations of a group plan to the same extent as other
5 medical or surgical services covered by the group plan.

6 5. Coverage required by this section shall be
7 provided in coordination with coverage required for the
8 treatment of autistic disorders pursuant to section
9 514C.22.

10 6. This section shall not be construed to limit
11 benefits which are otherwise available to an individual
12 under a group plan.

13 7. This section shall not be construed to require
14 coverage by a group plan of any service solely based on
15 inclusion of the service in an individualized education
16 program. Consistent with federal or state law and
17 upon consent of the parent or guardian of a covered
18 individual, the treatment of autism spectrum disorders
19 may be coordinated with any services included in an
20 individualized education program. However, coverage

21 for the treatment of autism spectrum disorders shall
22 not be contingent upon coordination of services with an
23 individualized education program.

24 8. This section shall not apply to accident-only,
25 specified disease, short-term hospital or medical,
26 hospital confinement indemnity, credit, dental, vision,
27 Medicare supplement, long-term care, basic hospital
28 and medical-surgical expense coverage as defined
29 by the commissioner, disability income insurance
30 coverage, coverage issued as a supplement to liability
31 insurance, workers' compensation or similar insurance,
32 or automobile medical payment insurance, or individual
33 accident and sickness policies issued to individuals or
34 to individual members of a member association.

35 9. A plan established pursuant to chapter 509A for
36 employees of the state may manage the benefits provided
37 through common methods including but not limited to
38 providing payment of benefits or providing care and
39 treatment under a capitated payment system, prospective
40 reimbursement rate system, utilization control system,
41 incentive system for the use of least restrictive and
42 costly levels of care, a preferred provider contract
43 limiting choice of specific providers, or any other
44 system, method, or organization designed to assure
45 services are medically necessary and clinically
46 appropriate.

47 10. An insurer may review a treatment plan for
48 treatment of autism spectrum disorders once every six
49 months, subject to its utilization review requirements,
50 including case management, concurrent review, and

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1 other managed care provisions. A more or less frequent
2 review may be agreed upon by the insured and the
3 licensed physician or licensed psychologist developing
4 the treatment plan.

5 11. For the purposes of this section, the results
6 of a diagnostic assessment of autism spectrum disorder
7 shall be valid for a period of not less than twelve
8 months, unless a licensed physician or licensed
9 psychologist determines that a more frequent assessment
10 is necessary.

11 12. The commissioner shall adopt rules pursuant to
12 chapter 17A to implement and administer this section.

13 13. This section applies to plans established
14 pursuant to chapter 509A for employees of the state
15 that are delivered, issued for delivery, continued, or
16 renewed in this state on or after January 1, 2011.>

17 39. Page 42, after line 20 by inserting:

18 <Sec. ___. 2010 Iowa Acts, [House File 2526](#), section
19 11, subsection 24, paragraph b, relating to the medical

20 assistance waiver for the Iowa family planning network,
21 if enacted, is amended to read as follows:

22 b. Implementation of this subsection is contingent
23 upon approval of the medical assistance waiver for
24 the Iowa family planning network by the centers for
25 Medicare and Medicaid services of the United States
26 department of health and human services ~~and upon~~
27 ~~availability of funding as determined by the director~~
28 ~~of the department of human services.>~~

29 40. Page 42, after line 20 by inserting:

30 <Sec. ____ 2010 Iowa Acts, [Senate File 2378](#),
31 section 15, if enacted, is amended to read as follows:

32 SEC. 15. GAMING ENFORCEMENT. There is appropriated
33 from the gaming enforcement revolving fund created in
34 section 80.43 to the department of public safety for
35 the fiscal year beginning July 1, 2010, and ending June
36 30, 2011, the following amount, or so much thereof as
37 is necessary, to be used for the purposes designated:

38 For any direct and indirect support costs for	
39 agents and officers of the division of criminal	
40 investigation's excursion gambling boat, gambling	
41 structure, and racetrack enclosure enforcement	
42 activities, including salaries, support, maintenance,	
43 miscellaneous purposes, and for not more than the	
44 following full-time equivalent positions:	
45	\$ 8,851,775
46 <u>9,315,306</u>	
47	FTEs 115.00

48 However, for each additional license to conduct
49 gambling games on an excursion gambling boat, gambling
50 structure, or racetrack enclosure issued during the

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1 period beginning July 1, 2009, through June 30, 2011,
2 there is appropriated from the gaming enforcement fund
3 to the department of public safety for the fiscal year
4 beginning July 1, 2010, and ending June 30, 2011, an
5 additional amount of not more than \$521,000 to be used
6 for not more than 6.00 additional full-time equivalent
7 positions.>

8 41. Page 42, after line 20 by inserting:

9 <Sec. ____ REPEAL. 2010 Iowa Acts, House File
10 2525, section 6, is repealed.>

11 42. Page 42, after line 25 by inserting:

12 <Sec. ____ EFFECTIVE UPON ENACTMENT. This
13 provision of this division of this Act amending section
14 155A.6A, being deemed of immediate importance, takes
15 effect upon enactment.>

16 43. Page 42, after line 25 by inserting:

17 <Sec. ____ EFFECTIVE UPON ENACTMENT. The provision
18 of this division of this Act appropriating moneys from

19 the general fund of the state to the department of
20 management and to the department of revenue for fiscal
21 year 2009-2010, being deemed of immediate importance,
22 takes effect upon enactment.>

23 44. Page 42, after line 25 by inserting:
24 <Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
25 APPLICABILITY. The provision of this division of this
26 Act amending section 123.30, subsection 3, paragraph
27 "e", subparagraph (1), being deemed of immediate
28 importance, takes effect upon enactment, and is
29 retroactively applicable to March 10, 2010.>

30 45. Page 42, after line 25 by inserting:
31 <Sec. ____ EFFECTIVE DATE. The provision of this
32 division of this Act amending section 421.3, if enacted
33 by 2010 Iowa Acts, [Senate File 2383](#), takes effect on
34 the effective date of section 421C.3.>

35 46. Page 42, after line 25 by inserting:
36 <Sec. ____ EFFECTIVE UPON ENACTMENT. The
37 provision of this division of this Act relating to the
38 instructional support income surtax, being deemed of
39 immediate importance, takes effect upon enactment.>

40 47. By striking page 43, line 8, through page 44,
41 line 28.

42 48. Page 45, line 1, after <of Iowa.> by inserting
43 <[the Iowa renewable fuels association](#).>

44 49. Page 46, after line 5 by inserting:

45 <DIVISION ____
46 PUBLIC SAFETY ADVISORY BOARD
47 Sec. ____ DEPARTMENT OF HUMAN RIGHTS – DIVISION
48 OF CRIMINAL AND JUVENILE JUSTICE PLANNING. There is
49 appropriated from the Iowa comprehensive petroleum
50 underground storage tank fund established in section

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1 455G.3 to the department of human rights for the
2 fiscal year beginning July 1, 2010, and ending June
3 30, 2011, the following amount, or so much thereof as
4 is necessary, to be used for the purposes designated,
5 notwithstanding section 455G.3, subsection 1:

6 For the division of criminal and juvenile justice
7 planning, including salaries, support, maintenance,
8 miscellaneous purposes, and for not more than the
9 following full-time equivalent positions for the public
10 safety advisory board established in section 216A.133A:

11 \$ 140,000
12 FTEs 2.00

13 Sec. ____ Section 216A.131, Code 2009, is amended
14 by adding the following new subsection:

15 NEW SUBSECTION. 1A. "Board" means the public
16 safety advisory board.

17 Sec. ____ Section 216A.132, Code 2009, is amended

18 to read as follows:

19 216A.132 Council established – terms –
20 compensation.

21 1. A criminal and juvenile justice planning
22 advisory council is established consisting of
23 twenty-three members.

24 a. The governor shall appoint seven members each
25 for a four-year term beginning and ending as provided
26 in section 69.19 and subject to confirmation by the
27 senate as follows:

28 (1) Three persons, each of whom is a county
29 supervisor, county sheriff, mayor, ~~city chief of~~
30 ~~police, or county attorney~~ nonsupervisory police
31 officer, or a chief of police of a department with less
32 than eleven police officers.

33 ~~(2) Two persons who represent the general public~~
34 ~~and are not employed in any law enforcement, judicial,~~
35 ~~or corrections capacity.~~

36 ~~(3) (2)~~ Two persons who are knowledgeable about
37 Iowa's juvenile justice system.

38 ~~(3) One person who represents the general public~~
39 ~~and is not employed in any law enforcement, judicial,~~
40 ~~or corrections capacity.~~

41 ~~(4) One person who is either a crime victim, or who~~
42 ~~represents a crime victim organization.~~

43 b. The departments of human services, corrections,
44 and public safety, the division on the status of
45 African-Americans, the Iowa department of public
46 health, the chairperson of the board of parole, the
47 attorney general, the state public defender, ~~and~~ the
48 governor's office of drug control policy, ~~and the chief~~
49 ~~justice of the supreme court~~ shall each designate a
50 person to serve on the council. ~~The person appointed~~

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1 ~~by the Iowa department of public health shall be from~~
2 ~~the departmental staff who administer the comprehensive~~
3 ~~substance abuse program under chapter 125.~~

4 c. The chief justice of the supreme court shall
5 ~~appoint two additional members currently serving~~
6 ~~as district judges~~ designate one member who is a
7 district judge and one member who is either a district
8 associate judge or associate juvenile judge. Two
9 members of the senate and two members of the house of
10 representatives shall be ex officio members and shall
11 be appointed by the majority and minority leaders
12 of the senate and the speaker and minority leader
13 of the house of representatives pursuant to section
14 69.16 and shall serve terms as provided in section
15 69.16B. The chairperson and ranking member of the
16 senate committee on judiciary shall be members. In

17 alternating four-year intervals, the chairperson and
18 ranking member of the house committee on judiciary
19 or of the house committee on public safety shall be
20 members, with the chairperson and ranking member of the
21 house committee on public safety serving during the
22 initial interval. Nonlegislative members appointed
23 pursuant to this paragraph shall serve for four-year
24 terms beginning and ending as provided in section 69.19
25 unless the member ceases to serve as a district court
26 judge.

27 d. The Iowa county attorneys association shall
28 designate a person to serve on the council.

29 2. Members of the council shall receive
30 reimbursement from the state for actual and necessary
31 expenses incurred in the performance of their official
32 duties. Members may also be eligible to receive
33 compensation as provided in section 7E.6.

34 Sec. ____ Section 216A.133, subsection 1, Code
35 2009, is amended to read as follows:

36 1. Identify issues and analyze the operation and
37 impact of present criminal and juvenile justice policy
38 and make recommendations for policy changes, ~~including~~
39 ~~recommendations pertaining to efforts to curtail~~
40 ~~criminal gang activity.~~

41 Sec. ____ Section 216A.133, Code 2009, is amended
42 by adding the following new subsections:

43 NEW SUBSECTION. 8. Determine members of the public
44 safety advisory board pursuant to section 216A.133A.

45 NEW SUBSECTION. 9. Coordinate with the
46 administrator to develop and make recommendations to
47 the department director pursuant to section 216A.2.

48 NEW SUBSECTION. 10. Serve as a liaison between the
49 general public and the division.

50 NEW SUBSECTION. 11. Establish advisory committees

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1 to study special issues.

2 Sec. ____ NEW SECTION. 216A.133A Public safety
3 advisory board –
4 duties.

5 1. A public safety advisory board is established
6 whose membership shall be determined by the criminal
7 and juvenile justice planning advisory council and
8 shall consist of current members of the council. Any
9 actions taken by the board shall be considered separate
10 and distinct from the council.

11 2. The purpose of the board is to provide the
12 general assembly with an analysis of current and
13 proposed criminal code provisions.

14 3. The duties of the board shall consist of the
15 following:

16 a. Reviewing and making recommendations relating
17 to current sentencing provisions. In reviewing such
18 provisions the board shall consider the impact on all
19 of the following:

20 (1) Potential disparity in sentencing.

21 (2) Truth in sentencing.

22 (3) Victims.

23 (4) The proportionality of specific sentences.

24 (5) Sentencing procedures.

25 (6) Costs associated with the implementation
26 of criminal code provisions, including costs to
27 the judicial branch, department of corrections, and
28 judicial district departments of correctional services,
29 costs for representing indigent defendants, and costs
30 incurred by political subdivisions of the state.

31 (7) Best practices related to the department of
32 corrections including recidivism rates, safety and
33 efficient use of correctional staff, and compliance
34 with correctional standards set by the federal
35 government and other jurisdictions.

36 (8) Best practices related to the Iowa child death
37 review team established in section 135.43 and the Iowa
38 domestic abuse death review team established in section
39 135.109.

40 b. Reviewing and making recommendations relating to
41 proposed legislation, in accordance with paragraph "a",
42 as set by rule by the general assembly or as requested
43 by the executive or judicial branch proposing such
44 legislation.

45 c. Providing expertise and advice to the
46 legislative services agency, the department of
47 corrections, the judicial branch, and others charged
48 with formulating fiscal, correctional, or minority
49 impact statements.

50 d. Reviewing data supplied by the division, the

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1 department of management, the legislative services
2 agency, the Iowa supreme court, and other departments
3 or agencies for the purpose of determining the
4 effectiveness and efficiency of the collection of such
5 data.

6 4. The board may call upon any department, agency,
7 or office of the state, or any political subdivision
8 of the state, for information or assistance as needed
9 in the performance of its duties. The information or
10 assistance shall be furnished to the extent that it is
11 within the resources and authority of the department,
12 agency, office, or political subdivision. This section
13 does not require the production or opening of any
14 records which are required by law to be kept private

15 or confidential.

16 5. The board shall report to the legislative
17 government oversight committee all sources of funding
18 by December 1 of each year.

19 6. Membership on the board shall be bipartisan
20 as provided in section 69.16 and gender balanced as
21 provided in section 69.16A.

22 7. Meetings of the board shall be open to the
23 public as provided in chapter 21.

24 8. Members of the board shall receive reimbursement
25 from the state for actual and necessary expenses
26 incurred in the performance of their official duties.
27 Members may also be eligible to receive compensation as
28 provided in section 7E.6.

29 Sec. ____ Section 216A.135, unnumbered paragraph 1,
30 Code 2009, is amended to read as follows:

31 Beginning in 1989, and every five years thereafter,
32 the division shall develop a twenty-year criminal
33 and juvenile justice plan for the state which shall
34 include ten-year, fifteen-year, and twenty-year
35 goals and a comprehensive five-year plan for criminal
36 and juvenile justice programs. The five-year plan
37 shall be updated annually and each twenty-year plan
38 and annual updates of the five-year plan shall be
39 submitted to the governor and the general assembly by
40 ~~February~~ December 1.

41 Sec. ____ APPOINTMENTS TO CRIMINAL AND JUVENILE
42 JUSTICE PLANNING ADVISORY COUNCIL. The applicable
43 provisions of chapter 69 shall apply to vacant
44 positions on the criminal and juvenile justice planning
45 advisory council occurring on or after July 1, 2010.>

46 50. Page 46, after line 5 by inserting:

47 <DIVISION _____
48 IOWA PUBLIC INFORMATION BOARD

49 <Sec. ____ Section 21.6, subsection 3, paragraph d,
50 Code 2009, is amended to read as follows:

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1 d. Shall issue an order removing a member of a
2 governmental body from office if that member has
3 engaged in a prior violation of this chapter for which
4 damages were assessed against the member during the
5 member's term. In making this determination, the court
6 shall recognize violations for which damages were
7 assessed by the Iowa public information board created
8 in section 23.3.

9 Sec. ____ Section 22.10, subsection 3, paragraph d,
10 Code 2009, is amended to read as follows:

11 d. Shall issue an order removing a person from
12 office if that person has engaged in a prior violation
13 of this chapter for which damages were assessed against

14 the person during the person's term. In making this
15 determination, the court shall recognize violations
16 for which damages were assessed by the Iowa public
17 information board created in section 23.3.

18 Sec. ____ NEW SECTION. 23.1 Citation and purpose.

19 This chapter may be cited as the "Iowa Public
20 Information Board Act". The purpose of this chapter
21 is to provide an alternative means by which to secure
22 compliance with and enforcement of the requirements of
23 chapters 21 and 22 through the provision by the Iowa
24 public information board to all interested parties of
25 an efficient, informal, and cost-effective process for
26 resolving disputes.

27 Sec. ____ NEW SECTION. 23.2 Definitions.

28 1. "Board" means the Iowa public information board
29 created in section 23.3.

30 2. "Complainant" means a person who files a
31 complaint with the board.

32 3. "Complaint" means a written and signed document
33 filed with the board alleging a violation of chapter
34 21 or 22.

35 4. "Custodian" means a government body, government
36 official, or government employee designated as the
37 lawful custodian of a government record pursuant to
38 section 22.1.

39 5. "Government body" means the same as defined in
40 section 22.1.

41 6. "Person" means an individual, partnership,
42 association, corporation, legal representative,
43 trustee, receiver, custodian, government body, or
44 official, employee, agency, or political subdivision of
45 this state.

46 7. "Respondent" means any agency or other unit
47 of state or local government, custodian, government
48 official, or government employee who is the subject of
49 a complaint.

50 Sec. ____ NEW SECTION. 23.3 Board appointed.

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1 1. An Iowa public information board is created
2 consisting of five members appointed by the governor,
3 subject to confirmation by the senate. Membership
4 shall be balanced as to political affiliation as
5 provided in section 69.16 and gender as provided in
6 section 69.16A. Members appointed to the board shall
7 serve staggered, four-year terms, beginning and ending
8 as provided by section 69.19. A quorum shall consist
9 of three members.

10 2. A vacancy on the board shall be filled by the
11 governor by appointment for the unexpired part of the
12 term. A board member may be removed from office by the

13 governor for good cause. The board shall select one
14 of its members to serve as chair and shall employ a
15 director who shall serve as the executive officer of
16 the board.

17 Sec. ____ NEW SECTION. 23.4 Compensation and
18 expenses.

19 Board members shall be paid a per diem as specified
20 in section 7E.6 and shall be reimbursed for actual and
21 necessary expenses incurred while on official board
22 business. Per diem and expenses shall be paid from
23 funds appropriated to the board.

24 Sec. ____ NEW SECTION. 23.5 Election of remedies.

25 1. An aggrieved person, any taxpayer to or citizen
26 of this state, the attorney general, or any county
27 attorney may seek enforcement of the requirements of
28 chapters 21 and 22 by electing either to file an action
29 pursuant to section 17A.19, 21.6, or 22.10, whichever
30 is applicable, or in the alternative, to file a timely
31 complaint with the board.

32 2. If more than one person seeks enforcement of
33 chapter 21 or 22 with respect to the same incident
34 involving an alleged violation, and one or more of
35 such persons elects to do so by filing an action under
36 section 17A.19, 21.6, or 22.10 and one or more of such
37 persons elects to do so by filing a timely complaint
38 with the board, the court in which the action was filed
39 shall dismiss the action without prejudice, authorizing
40 the complainant to file a complaint with respect to
41 the same incident with the board without regard to the
42 timeliness of the filing of the complaint at the time
43 the action in court is dismissed.

44 3. If a person files an action pursuant to section
45 22.8 seeking to enjoin the inspection of a public
46 record, the respondent or person requesting access to
47 the record which is the subject of the request for
48 injunction may remove the proceeding to the board for
49 its determination by filing, within thirty days of the
50 commencement of the judicial proceeding, a complaint

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1 with the board alleging a violation of chapter 22 in
2 regard to the same matter.

3 Sec. ____ NEW SECTION. 23.6 Board powers and
4 duties.

5 The board shall have all of the following powers and
6 duties:

7 1. Employ such employees as are necessary to
8 execute its authority, including administrative law
9 judges, and attorneys to prosecute respondents in
10 proceedings before the board and to represent the board
11 in proceedings before a court. Notwithstanding section

12 8A.412, all of the board's employees, except for the
13 executive director and attorneys, shall be employed
14 subject to the merit system provisions of chapter 8A,
15 subchapter IV.

16 2. Adopt rules with the force of law pursuant to
17 chapter 17A calculated to implement, enforce, and
18 interpret the requirements of chapters 21 and 22 and to
19 implement any authority delegated to the board by this
20 chapter.

21 3. Issue, consistent with the requirements of
22 section 17A.9, declaratory orders with the force of law
23 determining the applicability of chapter 21 or 22 to
24 specified fact situations and issue informal advice to
25 any person concerning the applicability of chapters 21
26 and 22.

27 4. Receive complaints alleging violations of
28 chapter 21 or 22, seek resolution of such complaints
29 through informal assistance or through mediation and
30 settlement, formally investigate such complaints,
31 decide after such an investigation whether there is
32 probable cause to believe a violation of chapter 21
33 or 22 has occurred, and if probable cause has been
34 found prosecute the respondent before the board in a
35 contested case proceeding conducted according to the
36 provisions of chapter 17A.

37 5. Request and receive from a government body
38 assistance and information as necessary in the
39 performance of its duties. The board may examine
40 a record of a government body that is the subject
41 matter of a complaint, including any record that is
42 confidential by law. Confidential records provided
43 to the board by a governmental body shall continue
44 to maintain their confidential status. Any member or
45 employee of the board is subject to the same policies
46 and penalties regarding the confidentiality of the
47 document as an employee of the government body.

48 6. Issue subpoenas enforceable in court for the
49 purpose of investigating complaints and to facilitate
50 the prosecution and conduct of contested cases before

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1 the board.

2 7. After appropriate board proceedings, issue
3 orders with the force of law, determining whether there
4 has been a violation of chapter 21 or 22, requiring
5 compliance with specified provisions of those chapters,
6 imposing civil penalties equivalent to and to the same
7 extent as those provided for in section 21.6 or 22.10,
8 as applicable, on a respondent who has been found in
9 violation of chapter 21 or 22, and imposing any other
10 appropriate remedies calculated to declare, terminate,

11 or remediate any violation of those chapters.
12 8. Represent itself in judicial proceedings
13 to enforce or defend its orders and rules through
14 attorneys on its own staff, through the office of the
15 attorney general, or through other attorneys retained
16 by the board, at its option.
17 9. Make training opportunities available to lawful
18 custodians, government bodies, and other persons
19 subject to the requirements of chapters 21 and 22 and
20 require, in its discretion, appropriate persons who
21 have responsibilities in relation to chapters 21 and 22
22 to receive periodic training approved by the board.
23 10. Disseminate information calculated to inform
24 members of the public about the public's right to
25 access government information in this state including
26 procedures to facilitate this access and including
27 information relating to the obligations of government
28 bodies under chapter 21 and lawful custodians under
29 chapter 22 and other laws dealing with this subject.
30 11. Prepare and transmit to the governor and to the
31 general assembly, at least annually, reports describing
32 complaints received, board proceedings, investigations,
33 hearings conducted, decisions rendered, and other work
34 performed by the board.
35 12. Make recommendations to the governor and the
36 general assembly by proposing legislation relating
37 to issues involving public access to meetings of a
38 governmental body and to records of a government body
39 including but not limited to recommendations relating
40 to the following issues:
41 a. The categorization of government records.
42 b. Public employment applications.
43 c. Information unduly invading personal privacy
44 including personal information on mailing lists and
45 opt-in provisions relating to such lists and personal
46 information in confidential personnel records of a
47 government body.
48 d. Tentative, preliminary, or draft material.
49 e. Serial meetings of less than a majority of a
50 governmental body.

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1 f. Definitions of what constitutes a governmental
2 body for purposes of chapter 21 and what constitutes a
3 government body for purposes of chapter 22.
4 13. Aid the general assembly in evaluating the
5 impact of legislation affecting public access to
6 government information.
7 14. Conduct public hearings, conferences,
8 workshops, and other meetings as necessary to address
9 problems and suggest solutions concerning access to

10 government information and proceedings.

11 15. Review the collection, maintenance, and use of
12 government records by lawful custodians to ensure that
13 confidential records and information are handled to
14 adequately protect personal privacy interests.

15 Sec. ____ NEW SECTION. 23.7 Filing of complaints
16 with the board.

17 1. The board shall adopt rules with the force
18 of law and pursuant to chapter 17A providing for the
19 timing, form, content, and means by which any aggrieved
20 person, any taxpayer to or citizen of this state,
21 the attorney general, or any county attorney may file
22 a complaint with the board alleging a violation of
23 chapter 21 or 22. The complaint must be filed within
24 sixty days from the time the alleged violation occurred
25 or the complainant could have become aware of the
26 violation with reasonable diligence. All complaints
27 filed with the board shall be public records.

28 2. All board proceedings in response to the filing
29 of a complaint shall be conducted as expeditiously as
30 possible.

31 3. The board shall not charge a complainant any
32 fee in relation to the filing of a complaint, the
33 processing of a complaint, or any board proceeding or
34 judicial proceeding resulting from the filing of a
35 complaint.

36 Sec. ____ NEW SECTION. 23.8 Initial processing of
37 complaint.

38 Upon receipt of a complaint alleging a violation
39 of chapter 21 or 22, the board shall do either of the
40 following:

41 1. Determine that, on its face, the complaint
42 is within the board's jurisdiction, appears legally
43 sufficient, and could have merit. In such a case the
44 board shall accept the complaint, and shall notify the
45 parties of that fact in writing.

46 2. Determine that, on its face, the complaint is
47 outside its jurisdiction, is legally insufficient, is
48 frivolous, is without merit, involves harmless error,
49 or relates to a specific incident that has previously
50 been finally disposed of on its merits by the board or

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1 a court. In such a case the board shall decline to
2 accept the complaint. If the board refuses to accept a
3 complaint, the board shall provide the complainant with
4 a written order explaining its reasons for the action.

5 Sec. ____ NEW SECTION. 23.9 Informal assistance –
6 mediation and settlement.

7 1. After accepting a complaint, the board shall
8 promptly work with the parties through its employees

9 to reach an informal, expeditious resolution of the
10 complaint. If an informal resolution satisfactory to
11 the parties cannot be reached, the board or the board's
12 designee shall offer the parties an opportunity to
13 resolve the dispute through mediation and settlement.

14 2. The mediation and settlement process shall
15 enable the complainant to attempt to resolve the
16 dispute with the aid of a neutral mediator employed and
17 selected by the board, in its discretion, from either
18 its own staff or an outside source.

19 3. Mediation shall be conducted as an informal,
20 nonadversarial process and in a manner calculated
21 to help the parties reach a mutually acceptable and
22 voluntary settlement agreement. The mediator shall
23 assist the parties in identifying issues and shall
24 foster joint problem solving and the exploration of
25 settlement alternatives.

26 Sec. __. NEW SECTION. 23.10 Enforcement.

27 1. If any party declines mediation or settlement or
28 if mediation or settlement fails to resolve the matter
29 to the satisfaction of all parties, the board shall
30 initiate a formal investigation concerning the facts
31 and circumstances set forth in the complaint. The
32 board shall, after an appropriate investigation, make
33 a determination as to whether the complaint is within
34 the board's jurisdiction and whether there is probable
35 cause to believe that the facts and circumstances
36 alleged in the complaint constitute a violation of
37 chapter 21 or 22.

38 2. If the board finds the complaint is outside the
39 board's jurisdiction or there is no probable cause to
40 believe there has been a violation of chapter 21 or 22,
41 the board shall issue a written order explaining the
42 reasons for the board's conclusions and dismissing the
43 complaint, and shall transmit a copy to the complainant
44 and to the party against whom the complaint was filed.

45 3. a. If the board finds the complaint is within
46 the board's jurisdiction and there is probable cause
47 to believe there has been a violation of chapter 21
48 or 22, the board shall issue a written order to that
49 effect and shall commence a contested case proceeding
50 under chapter 17A against the respondent. An attorney

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1 selected by the director of the board shall prosecute
2 the respondent in the contested case proceeding. At
3 the termination of the contested case proceeding the
4 board shall, by a majority vote of its members, render
5 a final decision as to the merits of the complaint. If
6 the board finds that the complaint has merit, the board
7 may issue any appropriate order to ensure enforcement

8 of chapter 21 or 22 including but not limited to
9 an order requiring specified action or prohibiting
10 specified action and any appropriate order to remedy
11 any failure of the respondent to observe any provision
12 of those chapters.

13 b. If the board determines, by a majority vote of
14 its members, that the respondent has violated chapter
15 21 or 22, the board may also do any or all of the
16 following:

17 (1) Require the respondent to pay damages as
18 provided for in section 21.6 or 22.10, whichever is
19 applicable, to the extent that provision would make
20 such damages payable if the complainant had sought to
21 enforce a violation in court instead of through the
22 board.

23 (2) Void any action taken in violation of chapter
24 21 if a court would be authorized to do so in similar
25 circumstances pursuant to section 21.6.

26 c. The board shall not have the authority to remove
27 a person from public office for a violation of chapter
28 21 or 22. The board may file an action under chapter
29 21 or 22 to remove a person from office for violations
30 that would subject a person to removal under those
31 chapters.

32 d. A final board order resulting from such
33 proceedings may be enforced by the board in court
34 and is subject to judicial review pursuant to section
35 17A.19.

36 Sec. __. NEW SECTION. 23.11 Defenses in a
37 contested case proceeding.

38 A respondent may defend against a proceeding before
39 the board charging a violation of chapter 21 or 22
40 on the ground that if such a violation occurred it
41 was only harmless error or that clear and convincing
42 evidence demonstrated that grounds existed to justify
43 a court to issue an injunction against disclosure
44 pursuant to section 22.8.

45 Sec. __. NEW SECTION. 23.12 Jurisdiction.

46 The board shall not have jurisdiction over the
47 judicial or legislative branches of state government or
48 any entity, officer, or employee of those branches, or
49 over the governor or the office of the governor.

50 Sec. __. IOWA PUBLIC INFORMATION BOARD –

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1 TRANSITION PROVISIONS.

2 1. The initial members of the Iowa public
3 information board established pursuant to this Act
4 shall be appointed by September 1, 2010.

5 2. Notwithstanding any provision of this Act to the
6 contrary, the director of the board and employees of

7 the board shall not be hired prior to July 1, 2011.
8 3. Prior to January 15, 2011, the board shall
9 submit a report to the governor and the general
10 assembly. The report shall include a job description
11 for the executive director of the board, goals for
12 board operations, and performance measures to measure
13 achievement of the board's goals.
14 4. Implementation of the Iowa public information
15 board is limited to the extent of the funding
16 available. The legislative services agency shall
17 provide transitional administrative support to the
18 board for the fiscal year beginning July 1, 2010, and
19 ending June 30, 2011.
20 Sec. ____ EFFECTIVE DATE. Except for the section
21 of this Act establishing transition provisions for the
22 Iowa public information board, this division of this
23 Act takes effect July 1, 2011.>
24 51. Page 46, after line 5 by inserting:
25 <DIVISION ____
26 WORKPLACE ACCOMODATIONS
27 Sec. ____ NEW SECTION. 91F.1 Short title.
28 This chapter shall be known and may be cited as the
29 "Family Friendly Workplace Act".
30 Sec. ____ NEW SECTION. 91F.2 Definitions.
31 1. "Employer" means a person engaged in a business
32 who has one or more employees and also includes the
33 state of Iowa, a department or agency thereof, and any
34 political subdivision of the state.
35 2. "Reasonable efforts" means any effort that would
36 not impose an undue hardship on the operation of the
37 employer's business.
38 3. "Undue hardship" means any action that requires
39 significant difficulty, compromises the safety of other
40 employees, requires temporary facility closure, or
41 results in expenditures exceeding five hundred dollars,
42 exclusive of the costs of additional labor or unpaid
43 leave costs.
44 Sec. ____ NEW SECTION. 91F.3 Right to express
45 breast milk in workplace – private location.
46 1. An employer shall provide reasonable unpaid
47 break time or permit an employee to use paid break
48 time, meal time, or both, each day, to allow the
49 employee to express breast milk for the employee's
50 nursing child for up to two years after the child's

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1 birth.
2 2. The employer shall make reasonable efforts
3 to provide a place, other than a toilet stall, which
4 is shielded from view and free from intrusion from
5 coworkers and the public, that may be used by an

6 employee to express breast milk in privacy.

7 3. An employer who makes reasonable efforts
8 to accommodate an employee who chooses to express
9 breast milk in the workplace shall be deemed to be in
10 compliance with the requirements of this section.

11 4. The department of workforce development shall
12 provide on its internet site information and links
13 to other internet sites where employers can access
14 information regarding methods to accommodate employees
15 who express breast milk in the workplace. The
16 department shall consult with appropriate organizations
17 or associations to determine the appropriate
18 information and internet site links so as to provide
19 employers with the most accurate and useful information
20 available.

21 Sec. ____ Section 91.5, Code 2009, is amended to
22 read as follows:

23 91.5 Other duties – jurisdiction in general.

24 The commissioner shall have jurisdiction and it
25 shall be the commissioner's duty to supervise the
26 enforcement of:

27 1. All laws relating to safety appliances
28 and inspection thereof and health conditions in
29 manufacturing and mercantile establishments, workshops,
30 machine shops, other industrial concerns within the
31 commissioner's jurisdiction and sanitation and shelter
32 for railway employees.

33 2. All laws of the state relating to child labor.

34 3. All laws relating to employment agencies.

35 4. All laws relating to expressing breast milk in
36 the workplace.

37 ~~4. 5.~~ Such other provisions of law as are now
38 or shall hereafter be within the commissioner's
39 jurisdiction.>

40 52. Page 46, after line 5 by inserting:

41 <DIVISION _____
42 INCOME TAX CHECKOFFS

43 Sec. ____ Section 235A.2, subsection 1, Code 2009,
44 is amended to read as follows:

45 1. A child abuse prevention program fund is
46 created in the state treasury under the control of the
47 department of human services. The fund is composed of
48 moneys appropriated or available to and obtained or
49 accepted by the treasurer of state for deposit in the
50 fund. The fund shall include moneys transferred to

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1 the fund as provided in section ~~422.12K~~ 422.12F. All
2 interest earned on moneys in the fund shall be credited
3 to and remain in the fund. Section 8.33 does not apply
4 to moneys in the fund.

5 Sec. ____ NEW SECTION. 422.12F Income tax checkoff
6 for child abuse prevention program fund.

7 1. A person who files an individual or a joint
8 income tax return with the department of revenue under
9 section 422.13 may designate one dollar or more to be
10 paid to the child abuse prevention program fund created
11 in section 235A.2. If the refund due on the return or
12 the payment remitted with the return is insufficient to
13 pay the additional amount designated by the taxpayer
14 to the child abuse prevention program fund, the
15 amount designated shall be reduced to the remaining
16 amount remitted with the return. The designation of a
17 contribution to the child abuse prevention program fund
18 under this section is irrevocable.

19 2. The director of revenue shall draft the income
20 tax form to allow the designation of contributions
21 to the child abuse prevention program fund on the
22 tax return. The department of revenue, on or before
23 January 31, shall transfer the total amount designated
24 on the tax return forms due in the preceding calendar
25 year to the child abuse prevention program fund.
26 However, before a checkoff pursuant to this section
27 shall be permitted, all liabilities on the books of
28 the department of administrative services and accounts
29 identified as owing under section 8A.504 and the
30 political contribution allowed under section 68A.601
31 shall be satisfied.

32 3. The department of human services may authorize
33 payment of moneys from the child abuse prevention
34 program fund, in accordance with section 235A.2.

35 4. The department of revenue shall adopt rules to
36 administer this section.

37 5. This section is subject to repeal under section
38 422.12E.

39 Sec. ____ NEW SECTION. 422.12G Joint income tax
40 refund checkoff for veterans trust fund and volunteer
41 fire fighter preparedness fund.

42 1. A person who files an individual or a joint
43 income tax return with the department of revenue under
44 section 422.13 may designate one dollar or more to
45 be paid jointly to the veterans trust fund created
46 in section 35A.13 and to the volunteer fire fighter
47 preparedness fund created in section 100B.13. If the
48 refund due on the return or the payment remitted with
49 the return is insufficient to pay the additional amount
50 designated by the taxpayer, the amount designated

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1 shall be reduced to the remaining amount of refund or
2 the remaining amount remitted with the return. The
3 designation of a contribution under this section is

4 irrevocable.

5 2. The director of revenue shall draft the income
6 tax form to allow the designation of contributions
7 to the veterans trust fund and to the volunteer fire
8 fighter preparedness fund as one checkoff on the
9 tax return. The department of revenue, on or before
10 January 31, shall transfer one-half of the total
11 amount designated on the tax return forms due in the
12 preceding calendar year to the veterans trust fund and
13 the remaining one-half to the volunteer fire fighter
14 preparedness fund. However, before a checkoff pursuant
15 to this section shall be permitted, all liabilities on
16 the books of the department of administrative services
17 and accounts identified as owing under section 8A.504
18 and the political contribution allowed under section
19 68A.601 shall be satisfied.

20 3. The department of revenue shall adopt rules to
21 administer this section.

22 4. This section is subject to repeal under section
23 422.12E.

24 Sec. ____ REPEAL. Section 422.12L, Code 2009, is
25 repealed.

26 Sec. ____ REPEAL. Section 422.12K, Code Supplement
27 2009, is repealed.

28 Sec. ____ RETROACTIVE APPLICABILITY. This division
29 of this Act applies retroactively to January 1, 2010,
30 for tax years beginning on or after that date.

31 53. Page 46, after line 5 by inserting:

32 <DIVISION _____

33 WINE

34 Section 1. Section 123.183, Code 2009, is amended
35 to read as follows:

36 123.183 Wine gallonage tax and related funds.

37 1. In addition to the annual permit fee to be paid
38 by each class "A" wine permittee, a wine gallonage tax
39 shall be levied and collected from each class "A" wine
40 permittee on all wine manufactured for sale and sold
41 in this state at wholesale and on all wine imported
42 into this state for sale at wholesale and sold in this
43 state at wholesale. A wine gallonage tax shall also
44 be levied and collected on the direct shipment of wine
45 pursuant to section 123.187. The rate of the wine
46 gallonage tax is one dollar and seventy-five cents for
47 each wine gallon. The same rate shall apply for the
48 fractional parts of a wine gallon. The wine gallonage
49 tax shall not be levied or collected on wine sold by
50 one class "A" wine permittee to another class "A" wine

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1 permittee.

2 2. a. Revenue collected from the wine gallonage

3 tax on wine manufactured for sale and sold in this
4 state, and on wine subject to direct shipment as
5 provided in section 123.187 by a wine manufacturer
6 licensed or permitted pursuant to laws regulating
7 alcoholic beverages in this state, shall be deposited
8 in the wine gallonage tax fund as created in this
9 section.

10 b. A wine gallonage tax fund is created in the
11 office of the treasurer of state. Moneys deposited in
12 the fund are appropriated to the department of economic
13 development as provided in section 15E.117. Moneys in
14 the fund are not subject to section 8.33.

15 3. The revenue collected from the wine gallonage
16 tax on wine imported into this state for sale at
17 wholesale and sold in this state at wholesale, and on
18 wine subject to direct shipment as provided in section
19 123.187 by a wine manufacturer licensed or permitted
20 pursuant to laws regulating alcoholic beverages in
21 another state, shall be deposited in the beer and
22 liquor control fund created in section 123.53.

23 Sec. ____ Section 123.187, subsection 4, as enacted
24 by 2010 Iowa Acts, [Senate File 2088](#), section 100, is
25 amended to read as follows:

26 4. a. In addition to the annual license fee,
27 a wine direct shipper licensee shall remit to the
28 division an amount equivalent to the wine gallonage
29 tax on wine subject to direct shipment at the rate
30 specified in section 123.183 for deposit as provided in
31 section 123.183, subsections 2 and 3. The amount shall
32 be remitted at the same time and in the same manner
33 as provided in section 123.184, and the ten percent
34 penalty specified therein shall be applicable.

35 b. Shipment of wine pursuant to this subsection
36 does not require a refund value for beverage container
37 control purposes under chapter 455C.>

38 54. Page 46, after line 5 by inserting:

39 <DIVISION _____

40 MEDICATION THERAPY MANAGEMENT

41 Sec. ____ MEDICATION THERAPY MANAGEMENT – PILOT –
42 REPEAL.

43 1. As used in this section unless the context
44 otherwise requires:

45 a. "Eligible employee" means an employee of the
46 state, with the exception of an employee of the state
47 board of regents or institutions under the state board
48 of regents, for whom group health plans are established
49 pursuant to chapter 509A providing for third-party
50 payment or prepayment for health or medical expenses.

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1 b. "Medication therapy management" means a

2 systematic process performed by a licensed pharmacist,
3 designed to optimize therapeutic outcomes through
4 improved medication use and reduced risk of adverse
5 drug events, including all of the following services:

6 (1) A medication therapy review and in-person
7 consultation relating to all medications, vitamins, and
8 herbal supplements currently being taken by an eligible
9 individual.

10 (2) A medication action plan, subject to the
11 limitations specified in this section, communicated
12 to the individual and the individual's primary care
13 physician or other appropriate prescriber to address
14 safety issues, inconsistencies, duplicative therapy,
15 omissions, and medication costs. The medication action
16 plan may include recommendations to the prescriber for
17 changes in drug therapy.

18 (3) Documentation and follow-up to ensure
19 consistent levels of pharmacy services and positive
20 outcomes.

21 2. a. Prior to July 1, 2010, the department of
22 administrative services shall utilize a request for
23 proposals process to contract for the provision of
24 medication therapy management services beginning July
25 1, 2010, for eligible employees who meet any of the
26 following criteria:

27 (1) An individual who takes four or more
28 prescription drugs to treat or prevent two or more
29 chronic medical conditions.

30 (2) An individual with a prescription drug therapy
31 problem who is identified by the prescribing physician
32 or other appropriate prescriber, and referred to a
33 pharmacist for medication therapy management services.

34 (3) An individual who meets other criteria
35 established by the third-party payment provider
36 contract, policy, or plan.

37 b. The department of administrative services shall
38 utilize an advisory committee comprised of an equal
39 number of physicians and pharmacists to provide advice
40 and oversight regarding the request for proposals and
41 evaluation processes. The department shall appoint the
42 members of the advisory council based upon designees
43 of the Iowa pharmacy association, the Iowa medical
44 society, and the Iowa osteopathic medical association.

45 c. The contract shall require the company to
46 provide annual reports to the general assembly
47 detailing the costs, savings, estimated cost avoidance
48 and return on investment, and patient outcomes
49 related to the medication therapy management services
50 provided. The company shall guarantee demonstrated

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1 annual savings, including any savings associated with
2 cost avoidance at least equal to the program's costs
3 with any shortfall amount refunded to the state. As
4 a proof of concept in the program for the period
5 beginning July 1, 2010, and ending June 30, 2011, the
6 company shall offer a dollar-for-dollar guarantee for
7 drug product costs savings alone. Prior to entering
8 into a contract with a company, the department and
9 the company shall agree on the terms, conditions,
10 and applicable measurement standards associated
11 with the demonstration of savings. The department
12 shall verify the demonstrated savings reported by
13 the company was performed in accordance with the
14 agreed upon measurement standards. The company shall
15 be prohibited from using the company's employees to
16 provide the medication therapy management services and
17 shall instead be required to contract with licensed
18 pharmacies, pharmacists, or physicians.

19 d. The fees for pharmacist-delivered medication
20 therapy management services shall be separate from
21 the reimbursement for prescription drug product or
22 dispensing services; shall be determined by each
23 third-party payment provider contract, policy, or plan;
24 and must be reasonable based on the resources and time
25 required to provide the service.

26 e. A fee shall be established for physician
27 reimbursement for services delivered for medication
28 therapy management as determined by each third-party
29 payment provider contract, policy, or plan, and must be
30 reasonable based on the resources and time required to
31 provide the service.

32 f. If any part of the medication therapy management
33 plan developed by a pharmacist incorporates services
34 which are outside the pharmacist's independent scope
35 of practice including the initiation of therapy,
36 modification of dosages, therapeutic interchange, or
37 changes in drug therapy, the express authorization
38 of the individual's physician or other appropriate
39 prescriber is required.

40 3. This section is repealed December 31, 2011.

41 Sec. ____ DEPARTMENT OF ADMINISTRATIVE SERVICES –
42 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE
43 TANK FUND. There is appropriated from the Iowa
44 comprehensive petroleum underground storage tank
45 fund created in section 455G.3 to the department of
46 administrative services for the fiscal year beginning
47 July 1, 2010, and ending June 30, 2011, the following
48 amount, or so much thereof as is necessary, to be used
49 for the purposes of this division, notwithstanding
50 section 455G.3, subsection 1:

1 \$ 543,000

2 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
3 of this Act, being deemed of immediate importance,
4 takes effect upon enactment.>

5 55. Page 46, after line 5 by inserting:

6 <DIVISION ____
7 IOWA COMPREHENSIVE PETROLEUM
8 UNDERGROUND STORAGE TANK FUND

9 Sec. ____ Section 455B.474, subsection 1, paragraph
10 d, subparagraph (2), unnumbered paragraph 1, Code
11 Supplement 2009, is amended to read as follows:

12 A site shall be classified as either high risk,
13 low risk, or no action required, as determined by a
14 certified groundwater professional.

15 Sec. ____ Section 455B.474, subsection 1, paragraph
16 d, subparagraph (2), subparagraph division (a),
17 unnumbered paragraph 1, Code Supplement 2009, is
18 amended to read as follows:

19 A site shall be considered high risk when ~~it is~~
20 ~~determined a certified groundwater professional~~
21 determines that contamination from the site presents an
22 unreasonable risk to public health and safety or the
23 environment under any of the following conditions:

24 Sec. ____ Section 455B.474, subsection 1, paragraph
25 d, subparagraph (2), subparagraph division (b),
26 unnumbered paragraph 1, Code Supplement 2009, is
27 amended to read as follows:

28 A site shall be considered low risk ~~under any of~~
29 ~~the following conditions~~ when a certified groundwater
30 professional determines that low risk conditions exist
31 as follows:

32 Sec. ____ Section 455B.474, subsection 1, paragraph
33 d, subparagraph (2), subparagraph divisions (c) and
34 (e), Code Supplement 2009, are amended to read as
35 follows:

36 (c) A site shall be considered no action required
37 if and a no further action certificate shall be
38 issued by the department when a certified groundwater
39 professional determines that contamination is below
40 action level standards and high or low risk conditions
41 do not exist and are not likely to occur.

42 (e) A site cleanup report which classifies a
43 site as either high risk, low risk, or no action
44 required shall be submitted by a groundwater
45 professional to the department with a certification
46 that the report complies with the provisions of this
47 chapter and rules adopted by the department. The
48 report shall be determinative of the appropriate
49 classification of the site. ~~However, if the report~~
50 ~~is found to be~~ and the site shall be classified as

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1 indicated by the groundwater professional unless,
2 within ninety days of receipt by the department,
3 the department identifies material information in
4 the report that is inaccurate or incomplete, and
5 ~~if based upon inaccurate or incomplete information~~
6 in the report the risk classification of the site
7 cannot be reasonably determined by the department
8 based upon industry standards, ~~the department shall,~~
9 If the department determines that the site cleanup
10 report is inaccurate or incomplete, the department
11 shall notify the groundwater professional of the
12 inaccurate or incomplete information within ninety
13 days of receipt of the report and shall work with
14 the groundwater professional to obtain ~~the correct~~
15 information or additional information necessary
16 to appropriately classify the site. However, from
17 July 1, 2010, through June 30, 2011, the department
18 shall have one hundred twenty days to notify the
19 certified groundwater professional when a report is
20 not accepted based on material information that is
21 found to be inaccurate or incomplete. A groundwater
22 professional who knowingly or intentionally makes a
23 false statement or misrepresentation which results in
24 a mistaken classification of a site shall be guilty of
25 a serious misdemeanor and shall have the groundwater
26 professional's certification revoked under this
27 section.

28 Sec. ____ Section 455B.474, subsection 1, paragraph
29 f, subparagraphs (5), (6), and (7), Code Supplement
30 2009, are amended to read as follows:

31 (5) A corrective action design report submitted by
32 a groundwater professional shall be accepted by the
33 department and shall be primarily relied upon by the
34 department to determine the corrective action response
35 requirements of the site. However, if ~~the corrective~~
36 ~~action design report is found to be within ninety days~~
37 of receipt of a corrective action design report, the
38 department identifies material information in the
39 corrective action design report that is inaccurate or
40 incomplete, and if based upon information in the report
41 the appropriate corrective action response cannot be
42 reasonably determined by the department based upon
43 industry standards, the department shall notify the
44 groundwater professional that the corrective action
45 design report is not accepted, and the department
46 shall work with the groundwater professional to correct
47 the material information or to obtain the additional
48 information necessary to appropriately determine the
49 corrective action response requirements as soon as
50 practicable. However, from July 1, 2010, through June

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1 30, 2011, the department shall have one hundred twenty
2 days to notify the certified groundwater professional
3 when a corrective action design report is not accepted
4 based on material information that is found to be
5 inaccurate or incomplete. A groundwater professional
6 who knowingly or intentionally makes a false statement
7 or misrepresentation which results in an improper or
8 incorrect corrective action response shall be guilty of
9 a serious misdemeanor and shall have the groundwater
10 professional's certification revoked under this
11 section.

12 (6) Low risk sites shall be monitored as deemed
13 necessary by the department consistent with industry
14 standards. Monitoring shall not be required on a site
15 which has received a no further action certificate.
16 A site that has maintained less than the applicable
17 target level for four consecutive sampling events shall
18 be reclassified as a no action required site regardless
19 of exit monitoring criteria and guidance.

20 (7) An owner or operator may elect to proceed with
21 additional corrective action on the site. However,
22 any action taken in addition to that required pursuant
23 to this paragraph "f" shall be solely at the expense
24 of the owner or operator and shall not be considered
25 corrective action for purposes of section 455G.9,
26 unless otherwise previously agreed to by the board
27 and the owner or operator pursuant to section 455G.9,
28 subsection 7. Corrective action taken by an owner or
29 operator due to the department's failure to meet the
30 time requirements provided in subparagraph (5), shall
31 be considered corrective action for purposes of section
32 455G.9.

33 Sec. _____. Section 455B.474, subsection 1, paragraph
34 h, subparagraphs (1) and (3), Code Supplement 2009, are
35 amended to read as follows:

36 (1) A no further action certificate shall be
37 issued by the department for a site which has been
38 classified as a no further action site or which
39 has been reclassified pursuant to completion of a
40 corrective action plan or monitoring plan to be a no
41 further action site by a groundwater professional,
42 unless within ninety days of receipt of the report
43 submitted by the groundwater professional classifying
44 the site, the department notifies the groundwater
45 professional that the report and site classification
46 are not accepted and the department identifies
47 material information in the report that is inaccurate
48 or incomplete which causes the department to be
49 unable to accept the classification of the site.
50 An owner or operator shall not be responsible for

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1 additional assessment, monitoring, or corrective
2 action activities at a site that is issued a no further
3 action certificate unless it is determined that the
4 certificate was issued based upon false material
5 statements that were knowingly or intentionally made
6 by a groundwater professional and the false material
7 statements resulted in the incorrect classification of
8 the site.

9 (3) A certificate shall be recorded with the county
10 recorder. The owner or operator of a site who has been
11 issued a certificate under this paragraph "h" or a
12 subsequent purchaser of the site shall not be required
13 to perform further corrective action ~~solely~~ because
14 action standards are changed at a later date. A
15 certificate shall not prevent the department from
16 ordering corrective action of a new release.

17 Sec. ____ Section 455B.479, Code 2009, is amended
18 to read as follows:

19 455B.479 Storage tank management fee.

20 An owner or operator of an underground storage
21 tank shall pay an annual storage tank management fee
22 of sixty-five dollars per tank of over one thousand
23 one hundred gallons capacity. ~~Twenty three percent~~
24 ~~of the~~ The fees collected shall be deposited in the
25 storage tank management account of the groundwater
26 protection fund. ~~Seventy seven percent of the fees~~
27 ~~collected shall be deposited in the Iowa comprehensive~~
28 ~~petroleum underground storage tank fund created in~~
29 ~~chapter 455G.~~

30 Sec. ____ Section 455E.11, subsection 2, paragraph
31 d, Code Supplement 2009, is amended to read as follows:

32 d. A storage tank management account. All fees
33 collected pursuant to section 455B.473, subsection 5,
34 and section 455B.479, shall be deposited in the storage
35 tank management account, ~~except those moneys deposited~~
36 ~~into the Iowa comprehensive petroleum underground~~
37 ~~storage tank fund pursuant to section 455B.479. Funds,~~
38 Moneys deposited in the account shall be expended for
39 the following purposes:

40 (1) One thousand dollars is appropriated annually
41 to the Iowa department of public health to carry out
42 departmental duties under section 135.11, subsections
43 19 and 20, and section 139A.21.

44 (2) ~~Twenty three percent of the proceeds of the~~
45 ~~fees imposed pursuant to section 455B.473, subsection~~
46 ~~5, and section 455B.479 shall be deposited in the~~
47 ~~account annually, up to a maximum of three hundred~~
48 ~~fifty thousand dollars. If twenty three percent of the~~
49 ~~proceeds exceeds three hundred fifty thousand dollars,~~
50 ~~the excess shall be deposited into the fund created in~~

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1 ~~section 455G.3. Three hundred fifty thousand dollars~~
2 ~~is~~ The moneys remaining in the account after the
3 appropriation in subparagraph (1) are appropriated from
4 the storage tank management account to the department
5 of natural resources for the administration of a state
6 storage tank program pursuant to chapter 455B, division
7 IV, part 8, and for programs which reduce the potential
8 for harm to the environment and the public health from
9 storage tanks.

10 (3) ~~The remaining funds in the account are~~
11 ~~appropriated annually to the Iowa comprehensive~~
12 ~~petroleum underground storage tank fund. Each fiscal~~
13 ~~year, the department of natural resources shall enter~~
14 into an agreement with the Iowa comprehensive petroleum
15 underground storage tank fund for the completion
16 of administrative tasks during the fiscal year
17 directly related to the evaluation and modification
18 of risk based corrective action rules as necessary
19 and processes that affect the administration in
20 subparagraph (2).

21 Sec. ___. Section 455G.3, Code 2009, is amended by
22 adding the following new subsections:

23 NEW SUBSECTION. 6. For the fiscal year beginning
24 July 1, 2010, and each fiscal year thereafter, there
25 is appropriated from the Iowa comprehensive petroleum
26 underground storage tank fund to the department of
27 natural resources two hundred thousand dollars for
28 purposes of technical review support to be conducted
29 by nongovernmental entities for leaking underground
30 storage tank assessments.

31 NEW SUBSECTION. 7. For the fiscal year beginning
32 July 1, 2010, there is appropriated from the Iowa
33 comprehensive petroleum underground storage tank fund
34 to the department of natural resources one hundred
35 thousand dollars for purposes of database modifications
36 necessary to accept batched external data regarding
37 underground storage tank inspections conducted by
38 nongovernmental entities.

39 NEW SUBSECTION. 8. For the fiscal year beginning
40 July 1, 2010, and each fiscal year thereafter, there
41 is appropriated from the Iowa comprehensive petroleum
42 underground storage tank fund to the department of
43 agriculture and land stewardship two hundred fifty
44 thousand dollars for the sole and exclusive purpose
45 of inspecting fuel quality at pipeline terminals
46 and renewable fuel production facilities, including
47 salaries, support, maintenance, and miscellaneous
48 purposes.

49 NEW SUBSECTION. 9. Beginning September 1, 2010,
50 the board shall administer safety training, hazardous

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1 material training, environmental training, and
2 underground storage tank operator training in the
3 state to be provided by an entity approved by the
4 department of natural resources. The training provided
5 pursuant to this subsection shall be available to any
6 tank operator in the state at an equal and reasonable
7 cost and shall not be conditioned upon any other
8 requirements. Each fiscal year, the board shall not
9 expend more than two hundred fifty thousand dollars
10 from the Iowa comprehensive petroleum underground
11 storage tank fund for purposes of administering this
12 subsection.

13 Sec. ____ Section 455G.4, subsection 1, paragraph
14 a, subparagraphs (3) and (5), Code Supplement 2009, are
15 amended to read as follows:

16 ~~(3) The commissioner of insurance, or the~~
17 ~~commissioner's designee. An employee of the department~~
18 ~~of management who has been designated as a risk manager~~
19 ~~by the director of the department of management.~~

20 (5) Two owners or operators appointed by the
21 governor. ~~One of the owners or operators appointed~~
22 ~~pursuant to this subparagraph shall have been a~~
23 ~~petroleum systems insured through the underground~~
24 ~~storage tank insurance fund as it existed on June 30,~~
25 ~~2004, or a successor to the underground storage tank~~
26 ~~insurance fund and shall have been an insured through~~
27 ~~the insurance account of the comprehensive petroleum~~
28 ~~underground storage tank fund on or before October~~
29 ~~26, 1990. One of the owners or operators appointed~~
30 ~~pursuant to this subparagraph shall be self insured. as~~
31 ~~follows:~~

32 (a) One member shall be an owner or operator who is
33 self-insured.

34 (b) One member shall be a member of the petroleum
35 marketers and convenience stores of Iowa or its
36 designee.

37 Sec. ____ Section 455G.8, subsection 3, Code 2009,
38 is amended by striking the subsection.

39 Sec. ____ Section 455G.9, subsection 1, paragraphs
40 d, k, and l, Code 2009, are amended to read as follows:

41 d. One hundred percent of the costs of corrective
42 action and third-party liability for a release situated
43 on property acquired by a county for delinquent taxes
44 pursuant to chapters 445 through 448, for which a
45 responsible owner or operator able to pay, other
46 than the county, cannot be found. A county is not
47 a "responsible party" for a release in connection
48 with property which it acquires in connection with
49 delinquent taxes, and does not become a responsible
50 party by sale or transfer of property so acquired. In

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1 such situations, the board may act as an agent for
2 the county. Actual corrective action on the site
3 shall be overseen by the department, the board, and
4 a certified groundwater professional. Third-party
5 liability specifically excludes any claim, cause of
6 action, or suit, for personal injury including, but
7 not limited to, loss of use or of private enjoyment,
8 mental anguish, false imprisonment, wrongful entry or
9 eviction, humiliation, discrimination, or malicious
10 prosecution. Reasonable acquisition costs do not
11 include any taxes or costs related to the collection
12 of taxes.

13 k. Pursuant to an agreement between the board and
14 the department of natural resources, assessment and
15 corrective action arising out of releases at sites for
16 which a no further action certificate has been issued
17 pursuant to section 455B.474, when the department
18 determines that an unreasonable risk to public health
19 and safety may still exist or that previously reported
20 upon applicable target levels have been exceeded. At
21 a minimum, the agreement shall address eligible costs,
22 contracting for services, and conditions under which
23 sites may be reevaluated.

24 l. ~~Costs~~ Up to fifteen thousand dollars for the
25 permanent closure of an underground storage tank
26 system ~~that was in place on the date an eligible claim~~
27 ~~was submitted under paragraph "a" that does not meet~~
28 performance standards for new or upgraded tanks or
29 is otherwise required to be closed pursuant to rules
30 adopted by the environmental protection commission
31 pursuant to section 455B.474. Reimbursement is limited
32 to costs approved by the board prior to the closure
33 activities.

34 Sec. ____ Section 455G.9, subsection 4, Code 2009,
35 is amended to read as follows:

36 4. Minimum copayment schedule.

37 a. An owner or operator shall be required to pay
38 the greater of five thousand dollars or eighteen
39 percent of the first eighty thousand dollars of the
40 total costs of corrective action for that release,
41 except for claims pursuant to section 455G.21, where
42 the claimant is not a responsible party or potentially
43 responsible party for the site for which the claim is
44 filed.

45 b. If a site's actual expenses exceed eighty
46 thousand dollars, the remedial account shall pay the
47 remainder, as required by federal regulations, of
48 the total costs of the corrective action for that
49 release, not to exceed one million dollars, except that
50 a county shall not be required to pay a copayment in

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1 connection with a release situated on property acquired
2 in connection with delinquent taxes, as provided in
3 subsection 1, paragraph "d", unless subsequent to
4 acquisition the county actively operates a tank on the
5 property for purposes other than risk assessment, risk
6 management, or tank closure.

7 Sec. ____ Section 455G.9, subsection 7, Code 2009,
8 is amended to read as follows:

9 7. Expenses of cleanup not required. When an
10 owner or operator who is eligible for benefits under
11 this chapter is allowed by the department of natural
12 resources to monitor in place, the expenses incurred
13 for cleanup beyond the level required by the department
14 of natural resources ~~are not~~ may be covered under any
15 of the accounts established under the fund only if
16 approved by the board as cost-effective relative to
17 the department accepted monitoring plan or relative
18 to the repeal date specified in section 424.19. The
19 cleanup expenses incurred for work completed beyond
20 what is required is the responsibility of the person
21 contracting for the excess cleanup. The board shall
22 seek to terminate the responsible party's environmental
23 liabilities at such sites prior to the board ceasing
24 operation.

25 Sec. ____ Section 455G.9, subsection 10, Code 2009,
26 is amended to read as follows:

27 10. Expenses incurred by governmental subdivisions
28 and public works utilities. The board ~~may~~ shall adopt
29 rules for reimbursement for reasonable expenses
30 incurred by a governmental subdivision or public
31 works utility for sampling, treating, handling,
32 or disposing, as required by the department, of
33 petroleum-contaminated soil and groundwater encountered
34 in a public right-of-way during installation,
35 maintenance, or repair of a utility or public
36 improvement. The board may seek full recovery from
37 a responsible party liable for the release for such
38 expenses and for all other costs and reasonable
39 attorney fees and costs of litigation for which moneys
40 are expended by the fund. Any expense described in
41 this subsection incurred by the fund constitutes a lien
42 upon the property from which the release occurred.
43 A lien shall be recorded and an expense shall be
44 collected in the same manner as provided in section
45 424.11.

46 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
47 APPLICABILITY. The section of this division of this
48 Act amending section 455G.9, subsection 4, being deemed
49 of immediate importance, takes effect upon enactment
50 and applies retroactively to January 1, 2010.

1 DIVISION _____
2 BONDING AUTHORITY

3 Sec. ____ Section 455G.2, subsection 1, Code 2009,
4 is amended by striking the subsection.

5 Sec. ____ Section 455G.2, subsection 3, Code 2009,
6 is amended to read as follows:

7 3. "Bond" means a bond, note, or other obligation
8 issued by the ~~authority~~ treasurer of state for the fund
9 and the purposes of this chapter.

10 Sec. ____ Section 455G.3, subsection 2, Code 2009,
11 is amended to read as follows:

12 2. The board shall assist Iowa's owners and
13 operators of petroleum underground storage tanks in
14 complying with federal environmental protection agency
15 technical and financial responsibility regulations
16 by establishment of the Iowa comprehensive petroleum
17 underground storage tank fund. The ~~authority~~ treasurer
18 of state may issue its bonds, or series of bonds, to
19 assist the board, as provided in this chapter.

20 Sec. ____ Section 455G.6, subsections 7 through 9,
21 Code Supplement 2009, are amended to read as follows:

22 7. The board may contract with the
23 ~~authority~~ treasurer of state for the
24 ~~authority~~ treasurer of state to issue bonds and do
25 all things necessary with respect to the purposes
26 of the fund, as set out in the contract between the
27 board and the ~~authority~~ treasurer of state. The
28 board may delegate to the ~~authority~~ treasurer of
29 state and the ~~authority~~ treasurer of state shall
30 then have all of the powers of the board which are
31 necessary to issue and secure bonds and carry out the
32 purposes of the fund, to the extent provided in the
33 contract between the board and the ~~authority~~ treasurer
34 of state. The ~~authority~~ treasurer of state may
35 issue the ~~authority's~~ treasurer of state's bonds
36 in principal amounts which, in the opinion of the
37 board, are necessary to provide sufficient funds for
38 the fund, the payment of interest on the bonds, the
39 establishment of reserves to secure the bonds, the
40 costs of issuance of the bonds, other expenditures
41 of the ~~authority~~ treasurer of state incident to and
42 necessary or convenient to carry out the bond issue
43 for the fund, and all other expenditures of the board
44 necessary or convenient to administer the fund.
45 The bonds are investment securities and negotiable
46 instruments within the meaning of and for purposes of
47 the uniform commercial code, chapter 554.

48 8. Bonds issued under this section are payable
49 solely and only out of the moneys, assets, or revenues
50 of the fund, all of which may be deposited with

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1 trustees or depositories in accordance with bond
2 or security documents and pledged by the board to
3 the payment thereof, and are not an indebtedness
4 of this state ~~or the authority~~, or a charge against
5 the general credit or general fund of the state ~~or~~
6 ~~the authority~~, and the state shall not be liable for
7 any financial undertakings with respect to the fund.
8 Bonds issued under this chapter shall contain on their
9 face a statement that the bonds do not constitute an
10 indebtedness of the state ~~or the authority~~.

11 9. The proceeds of bonds issued by the
12 ~~authority~~ treasurer of state and not required for
13 immediate disbursement may be deposited with a trustee
14 or depository as provided in the bond documents
15 and invested in any investment approved by the
16 ~~authority~~ treasurer of state and specified in the trust
17 indenture, resolution, or other instrument pursuant
18 to which the bonds are issued without regard to any
19 limitation otherwise provided by law.

20 Sec. ____ Section 455G.6, subsection 10, paragraph
21 b, Code Supplement 2009, is amended to read as follows:

22 b. Negotiable instruments under the laws of
23 the state and may be sold at prices, at public or
24 private sale, and in a manner, as prescribed by the
25 ~~authority~~ treasurer of state. Chapters 73A, 74, 74A
26 and 75 do not apply to their sale or issuance of the
27 bonds.

28 Sec. ____ Section 455G.6, subsection 12, Code
29 Supplement 2009, is amended to read as follows:

30 12. Bonds must be authorized by a trust
31 indenture, resolution, or other instrument of the
32 ~~authority~~ treasurer of state, approved by the board.
33 However, a trust indenture, resolution, or other
34 instrument authorizing the issuance of bonds may
35 delegate to an officer of the issuer the power to
36 negotiate and fix the details of an issue of bonds.

37 Sec. ____ Section 455G.7, Code Supplement 2009, is
38 amended to read as follows:

39 455G.7 Security for bonds – capital reserve fund –
40 irrevocable contracts.

41 1. a. For the purpose of securing one or more
42 issues of bonds for the fund, the ~~authority~~ treasurer
43 of state, with the approval of the board, may authorize
44 the establishment of one or more special funds, called
45 "capital reserve funds". The ~~authority~~ treasurer
46 of state may pay into the capital reserve funds the
47 proceeds of the sale of its bonds and other money
48 which may be made available to the ~~authority~~ treasurer
49 of state from other sources for the purposes of the
50 capital reserve funds. Except as provided in this

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1 section, money in a capital reserve fund shall be used
2 only as required for any of the following:
3 ~~a. (1)~~ The payment of the principal of and
4 interest on bonds or of the sinking fund payments with
5 respect to those bonds.
6 ~~b. (2)~~ The purchase or redemption of the bonds.
7 ~~c. (3)~~ The payment of a redemption premium
8 required to be paid when the bonds are redeemed before
9 maturity.
10 b. However, money in a capital reserve fund shall
11 not be withdrawn if the withdrawal would reduce the
12 amount in the capital reserve fund to less than the
13 capital reserve fund requirement, except for the
14 purpose of making payment, when due, of principal,
15 interest, redemption premiums on the bonds, and making
16 sinking fund payments when other money pledged to the
17 payment of the bonds is not available for the payments.
18 Income or interest earned by, or increment to, a
19 capital reserve fund from the investment of all or part
20 of the capital reserve fund may be transferred by the
21 ~~authority treasurer of state~~ to other accounts of the
22 fund if the transfer does not reduce the amount of the
23 capital reserve fund below the capital reserve fund
24 requirement.
25 2. If the ~~authority treasurer of state~~ decides
26 to issue bonds secured by a capital reserve fund,
27 the bonds shall not be issued if the amount in the
28 capital reserve fund is less than the capital reserve
29 fund requirement, unless at the time of issuance of
30 the bonds the ~~authority treasurer of state~~ deposits
31 in the capital reserve fund from the proceeds of the
32 bonds to be issued or from other sources, an amount
33 which, together with the amount then in the capital
34 reserve fund, is not less than the capital reserve fund
35 requirement.
36 3. In computing the amount of a capital reserve
37 fund for the purpose of this section, securities in
38 which all or a portion of the capital reserve fund
39 is invested shall be valued by a reasonable method
40 established by the ~~authority treasurer of state~~.
41 Valuation shall include the amount of interest earned
42 or accrued as of the date of valuation.
43 4. In this section, "capital reserve fund
44 requirement" means the amount required to be on
45 deposit in the capital reserve fund as of the date of
46 computation.
47 5. To assure maintenance of the capital reserve
48 funds, the ~~authority treasurer of state~~ shall, on
49 or before July 1 of each calendar year, make and
50 deliver to the governor the ~~authority's~~ authority's treasurer of

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1 state's certificate stating the sum, if any, required
2 to restore each capital reserve fund to the capital
3 reserve fund requirement for that fund. Within
4 thirty days after the beginning of the session of the
5 general assembly next following the delivery of the
6 certificate, the governor may submit to both houses
7 printed copies of a budget including the sum, if any,
8 required to restore each capital reserve fund to the
9 capital reserve fund requirement for that fund. Any
10 sums appropriated by the general assembly and paid
11 to the ~~authority~~ treasurer of state pursuant to this
12 section shall be deposited in the applicable capital
13 reserve fund.

14 6. All amounts paid by the state pursuant to this
15 section shall be considered advances by the state and,
16 subject to the rights of the holders of any bonds of
17 the ~~authority~~ treasurer of state that have previously
18 been issued or will be issued, shall be repaid to the
19 state without interest from all available revenues of
20 the fund in excess of amounts required for the payment
21 of bonds of the ~~authority~~ treasurer of state, the
22 capital reserve fund, and operating expenses.

23 7. If any amount deposited in a capital reserve
24 fund is withdrawn for payment of principal, premium,
25 or interest on the bonds or sinking fund payments with
26 respect to bonds thus reducing the amount of that fund
27 to less than the capital reserve fund requirement, the
28 ~~authority~~ treasurer of state shall immediately notify
29 the governor and the general assembly of this event and
30 shall take steps to restore the capital reserve fund
31 to the capital reserve fund requirement for that fund
32 from any amounts designated as being available for such
33 purpose.

34 Sec. ____ Section 455G.8, subsection 2, Code 2009,
35 is amended to read as follows:

36 2. Statutory allocations fund. The moneys
37 credited from the statutory allocations fund under
38 section 321.145, subsection 2, paragraph "a", shall
39 be allocated, consistent with this chapter, among
40 the fund's accounts, for debt service and other fund
41 expenses, according to the fund budget, resolution,
42 trust agreement, or other instrument prepared or
43 entered into by the board or ~~authority~~ treasurer of
44 state under direction of the board.

45 Sec. ____ REPEAL. Section 16.151, Code 2009, is
46 repealed.

47 Sec. ____ REPEAL. 1989 Iowa Acts, chapter 131,
48 section 63, as amended by 2009 Iowa Acts, chapter 184,
49 section 39, is repealed.

50 Sec. ____ EFFECTIVE UPON ENACTMENT. This division

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1 of this Act, being deemed of immediate importance,
2 takes effect upon enactment.>

3 56. Page 46, after line 5 by inserting:

4 <DIVISION _____

5 UNEMPLOYMENT INSURANCE BENEFITS

6 Sec. ____ CASH RESERVE APPROPRIATION –

7 UNEMPLOYMENT TRUST FUND ACCOUNT.

8 1. On or before August 15, 2010, following the
9 computation date required pursuant to section 96.7,
10 subsection 2, paragraph "d", subparagraph (1),
11 unnumbered paragraph 1, as amended by this Act, and
12 upon the approval of the director of the department of
13 management, there is appropriated from the cash reserve
14 fund created in section 8.56 to the unemployment
15 trust fund account of the unemployment compensation
16 fund for the fiscal year beginning July 1, 2010, and
17 ending June 30, 2011, up to \$20 million. This loan is
18 contingent upon being necessary to reach contribution
19 rate table 3 rather than contribution rate table 2 for
20 calendar year 2011. Any moneys appropriated pursuant
21 to this subsection shall be considered a loan for the
22 payment of unemployment insurance benefits and the
23 repayment of such moneys to the cash reserve fund
24 shall occur pursuant to subsection 2. If the amount
25 necessary to prevent table 2 from being applied is more
26 than \$20 million, this section is repealed. Section
27 8.56, subsections 3 and 4, shall not apply to the
28 appropriation in this section.

29 2. Following the fiscal year beginning July 1,
30 2010, and ending June 30, 2011, the department of
31 workforce development, in coordination with the
32 department of management, shall develop a plan for the
33 transfer of an amount equal to the amount appropriated
34 pursuant to subsection 1 from the unemployment trust
35 fund account of the unemployment compensation fund to
36 the cash reserve fund without adversely impacting the
37 solvency of the unemployment trust fund account.

38 3. By December 1, 2011, the director of the
39 department of workforce development shall submit to
40 the general assembly, with the report required under
41 section 96.35, the director's recommendations regarding
42 the transfer of moneys as required under subsection 2.

43 Sec. ____ Section 96.7, subsection 2, paragraph
44 d, subparagraph (1), unnumbered paragraph 1, Code
45 Supplement 2009, is amended to read as follows:

46 The current reserve fund ratio is computed by
47 dividing the total funds available for payment of
48 benefits, on the computation date or on August 15
49 following the computation date if the total funds
50 available for payment of benefits is a higher amount

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1 on August 15, by the total wages paid in covered
 2 employment excluding reimbursable employment wages
 3 during the first four calendar quarters of the five
 4 calendar quarters immediately preceding the computation
 5 date. However, in computing the current reserve fund
 6 ratio the following amounts shall be added to the
 7 total funds available for payment of benefits on the
 8 following computation dates:>

9 57. Page 46, after line 5 by inserting:

10 <DIVISION _____
 11 TERRACE HILL

12 Sec. ____ TERRACE HILL OPERATIONS – CASH RESERVE
 13 FUND – DEPARTMENT OF ADMINISTRATIVE SERVICES. There
 14 is appropriated from the cash reserve fund created
 15 in section 8.56 to the department of administrative
 16 services for the fiscal year beginning July 1, 2010,
 17 and ending June 30, 2011, the following amount, or
 18 so much thereof as is necessary, to be used for the
 19 purposes designated:

20 For salaries, support, maintenance, and
 21 miscellaneous purposes necessary for the operation of
 22 Terrace Hill:

23 \$ 168,494

24 Sec. ____ TERRACE HILL – GENERAL FUND –
 25 DEPARTMENT OF ADMINISTRATIVE SERVICES. There is
 26 appropriated from the general fund of the state to
 27 the department of administrative services for the
 28 fiscal year beginning July 1, 2009, and ending June 30,
 29 2010, the following amount, or so much thereof as is
 30 necessary, to be used for the purposes designated:

31 For salaries, support, maintenance, and
 32 miscellaneous purposes necessary for the operation
 33 of Terrace Hill, and for not more than the following
 34 full-time equivalent positions:

35 \$ 263,329
 36 FTEs 6.38

37 Sec. ____ TERRACE HILL QUARTERS. The amount
 38 appropriated from the general fund of the state to the
 39 offices of the governor and the lieutenant governor
 40 for Terrace Hill quarters pursuant to 2010 Iowa Acts,
 41 [Senate File 2367](#), for the fiscal year beginning July 1,
 42 2010, and ending June 30, 2011, is reduced by \$263,329.
 43 The number of full-time equivalent positions authorized
 44 pursuant to 2010 Iowa Acts, [Senate File 2367](#), for
 45 purposes of Terrace Hill quarters for the fiscal year
 46 beginning July 1, 2010, and ending June 30, 2011, is
 47 reduced by 8.12 full-time equivalent positions.>

48 58. Page 46, after line 5 by inserting:

49 <DIVISION _____
 50 HEALTHCARE PROGRAMS AND APPROPRIATIONS

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1 Section 1. Section 249J.7, Code 2009, is amended to
2 read as follows:

3 249J.7 Expansion population provider network.
4 1. a. Expansion population members shall only
5 be eligible to receive expansion population services
6 through a provider included in the expansion population
7 provider network. Except as otherwise provided
8 in this chapter, the expansion population provider
9 network shall be limited to a publicly owned acute care
10 teaching hospital located in a county with a population
11 over three hundred fifty thousand, the university of
12 Iowa hospitals and clinics, ~~and the state hospitals~~
13 ~~for persons with mental illness designated pursuant~~
14 ~~to section 226.1 with the exception of the programs~~
15 ~~at such state hospitals for persons with mental~~
16 ~~illness that provide substance abuse treatment, serve~~
17 ~~gero psychiatric patients, or treat sexually violent~~
18 ~~predators and a regional provider network utilizing~~
19 the federally qualified health centers or federally
20 qualified health center look-alikes in the state, to
21 provide primary care to members.

22 b. (1) The department shall develop a plan to
23 phase-in the regional provider network by determining
24 the most highly underserved areas on a statewide
25 and regional basis, and targeting these areas for
26 prioritization in implementing the regional provider
27 network. In developing the phase-in plan the
28 department shall consult with the medical assistance
29 projections and assessment council created in section
30 249J.20. Any plan developed shall be approved by
31 the council prior to implementation. The phase-in of
32 the regional provider network shall be implemented
33 in a manner that ensures that program expenditures
34 do not exceed budget neutrality limits and funded
35 program capacity, and that ensures compliance with the
36 eligibility maintenance of effort requirements of the
37 federal American Recovery and Reinvestment Act of 2009.

38 (2) Payment shall only be made to designated
39 participating primary care providers for eligible
40 primary care services provided to a member.

41 (3) The department shall adopt rules pursuant to
42 chapter 17A, in collaboration with the medical home
43 advisory council established pursuant to section
44 135.159, specifying requirements for medical homes
45 including certification, with which regional provider
46 network participating providers shall comply, as
47 appropriate.

48 (4) The department may also designate other private
49 providers and hospitals to participate in the regional
50 provider network, to provide primary and specialty

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1 care, subject to the availability of funds.
2 (5) Notwithstanding any provision to the contrary,
3 the department shall develop a methodology to reimburse
4 regional provider network participating providers
5 designated under this subsection.
6 c. Tertiary care shall only be provided to eligible
7 expansion population members residing in any county
8 in the state at the university of Iowa hospitals and
9 clinics.
10 d. Until such time as the publicly owned acute
11 care teaching hospital located in a county with a
12 population over three hundred fifty thousand notifies
13 the department that such hospital has reached service
14 capacity, the hospital and the university of Iowa
15 hospitals and clinics shall remain the only expansion
16 population providers for the residents of such county.
17 2. Expansion population services provided to
18 expansion population members by ~~providers included in~~
19 ~~the expansion population provider network~~ the publicly
20 owned acute care teaching hospital located in a county
21 with a population over three hundred fifty thousand and
22 the university of Iowa hospitals and clinics shall be
23 payable at the full benefit recipient rates.
24 3. Providers included in the expansion population
25 provider network shall submit clean claims within
26 twenty days of the date of provision of an expansion
27 population service to an expansion population member.
28 4. Unless otherwise prohibited by law, a provider
29 under the expansion population provider network may
30 deny care to an individual who refuses to apply for
31 coverage under the expansion population.
32 5. Notwithstanding the provision of section
33 347.16, subsection 2, requiring the provision of free
34 care and treatment to the persons described in that
35 subsection, the publicly owned acute care teaching
36 hospital described in subsection 1 may require any sick
37 or injured person seeking care or treatment at that
38 hospital to be subject to financial participation,
39 including but not limited to copayments or premiums,
40 and may deny nonemergent care or treatment to any
41 person who refuses to be subject to such financial
42 participation.
43 6. The department shall utilize up to seven million
44 three hundred thousand dollars in certified public
45 expenditures at the university of Iowa hospitals
46 and clinics to maximize the availability of state
47 funding to provide necessary access to both primary
48 and specialty physician care to expansion population
49 members. The resulting savings to the state shall
50 be utilized to reimburse physician services provided

1 to expansion population members at the university of
 2 Iowa hospitals and clinics and to reimburse providers
 3 designated to participate in the regional provider
 4 network for services provided to expansion population
 5 members.

6 7. The department shall adopt rules to establish
 7 clinical transfer and referral protocols to be used by
 8 providers included in the expansion population provider
 9 network.

10 Sec. ____ 2010 Iowa Acts, [Senate File 2156](#), section
 11 5, if enacted, is repealed.

12 Sec. ____ 2010 Iowa Acts, [Senate File 2356](#), section
 13 2, amending section 249J.7, if enacted, is repealed.

14 Sec. ____ 2010 Iowa Acts, [House File 2526](#), section
 15 11, subsection 13, if enacted, is amended to read as
 16 follows:

17 13. The university of Iowa hospitals and clinics
 18 shall either certify public expenditures or transfer to
 19 the medical assistance appropriation an amount equal
 20 to provide the nonfederal share for increased medical
 21 assistance payments for inpatient hospital services of
 22 ~~\$7,500,000~~ up to \$9,900,000. The university of Iowa
 23 hospitals and clinics shall receive and retain 100
 24 percent of the total increase in medical assistance
 25 payments.

26 Sec. ____ 2010 Iowa Acts, [House File 2526](#), section
 27 41, subsection 3, unnumbered paragraph 2, if enacted,
 28 is amended to read as follows:

29 For salaries, support, maintenance, equipment, and
 30 miscellaneous purposes for the provision of medical and
 31 surgical treatment of indigent patients, for provision
 32 of services to members of the expansion population
 33 pursuant to chapter 249J, and for medical education:

34 ~~\$12,000,000~~ 14,000,000

35 Sec. ____ 2010 Iowa Acts, [House File 2526](#), section
 36 41, subsection 6, if enacted, is amended to read as
 37 follows:

38 ~~6. Contingent upon enactment of 2010 Iowa Acts,~~
 39 ~~[Senate File 2356](#), there is appropriated from the~~
 40 ~~Iowa Care account created in section 249J.24 to the~~
 41 ~~department of human services for the fiscal year~~
 42 ~~beginning July 1, 2010, and ending June 30, 2011, the~~
 43 ~~following amount, or so much thereof as is necessary to~~
 44 ~~be used for the purposes designated:~~

45 ~~For payment to nonparticipating providers for~~
 46 ~~covered services provided in accordance with section~~
 47 ~~249J.24A:~~

48 ~~\$~~ 2,000,000

49 Sec. ____ HOSPITAL HEALTH CARE ACCESS TRUST FUND –
 50 APPROPRIATIONS. There is appropriated from the

1 hospital health care access trust fund created in
 2 section 249M.4, if enacted by 2010 Iowa Acts, Senate
 3 File 2388, to the department of human services for the
 4 fiscal year beginning July 1, 2010, and ending June 30,
 5 2011, the following amounts, or so much thereof as is
 6 necessary, for the purposes designated:
 7 1. For the medical assistance program:
 8 \$ 39,406,000

9 Of the funds appropriated in this subsection,
 10 \$20,542,883 shall be used for reimbursement of
 11 hospitals under the medical assistance program in
 12 accordance with section 249M.4, if enacted by 2010 Iowa
 13 Acts, [Senate File 2388](#).
 14 2. For deposit in the nonparticipating provider
 15 reimbursement fund created in section 249J.24A for the
 16 purposes of the fund:
 17 \$ 594,000

18 Sec. ____ NONPARTICIPATING PROVIDER REIMBURSEMENT
 19 FUND – APPROPRIATION. Contingent upon enactment of
 20 2010 Iowa Acts, [Senate File 2388](#), there is appropriated
 21 from the nonparticipating provider reimbursement
 22 fund created in section 249J.24A to the department of
 23 human services for the fiscal year beginning July 1,
 24 2010, and ending June 30, 2011, the following amount,
 25 or so much thereof as is necessary, for the purposes
 26 designated:
 27 To reimburse nonparticipating providers in
 28 accordance with section 249J.24A:
 29 \$ 2,000,000

30 Sec. ____ MEDICAL ASSISTANCE PROGRAM –
 31 APPROPRIATION REDUCTION. Contingent upon enactment of
 32 2010 Iowa Acts, [Senate File 2388](#), the appropriation
 33 from the general fund of the state to the department
 34 of human services for the medical assistance program
 35 for the fiscal year beginning July 1, 2010, and ending
 36 June 30, 2011, as specified in 2010 Iowa Acts, House
 37 File 2526, section 11, if enacted, is reduced by
 38 \$18,863,117.

39 Sec. ____ CONTINGENT IMPLEMENTATION.
 40 Implementation of the provisions of this division
 41 of this Act making appropriations from the hospital
 42 health care access trust fund and the nonparticipating
 43 provider reimbursement fund and reducing the medical
 44 assistance program appropriation are contingent upon
 45 the department of human services receiving approval of
 46 the requests relating to medical assistance waivers
 47 and state plan amendments necessary to implement the
 48 hospital health care access trust fund if enacted by
 49 2010 Iowa Acts, [Senate File 2388](#).>

50 59. Page 46, after line 5 by inserting:

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1 <DIVISION _____
2 WAIVER OF PENALTIES AND INTEREST
3 Sec. ____ WAIVER OF PENALTIES AND INTEREST –
4 DISASTER-RELATED LOSSES – REFUNDS.
5 1. Notwithstanding sections 421.8, 421.27, and
6 422.25, if a taxpayer has filed a return for tax year
7 2008 relying in good faith on the expectation that the
8 state of Iowa would conform to the federal treatment
9 of disaster-related casualty losses under section
10 165(h) of the Internal Revenue Code, as modified by
11 the Heartland Disaster Relief Act of 2008, Pub. L.
12 No. 110-343, in computing net income for state tax
13 purposes, the director of revenue shall, for any
14 taxpayer amending the return in the time permitted by
15 statute, waive any penalty or interest due as a result
16 of either a failure to timely pay the tax due or the
17 filing of a defective or incorrect return.
18 2. If, prior to the effective date of this division
19 of this Act, a taxpayer paid penalties or interest as a
20 result of a good-faith reliance on the state conforming
21 to section 165(h) of the Internal Revenue Code, the
22 department of revenue shall refund such penalties and
23 interest to the taxpayer.
24 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
25 APPLICABILITY. This division of this Act, being deemed
26 of immediate importance, takes effect upon enactment
27 and applies retroactively to January 1, 2008, for
28 tax years beginning on or after that date and before
29 January 1, 2009.>
30 60. By renumbering, redesignating, and correcting
31 internal references as necessary.
32 61. By renumbering as necessary.

Wenthe of Fayette asked and received unanimous consent that amendment [H-8666](#) be deferred.

Rants of Woodbury asked and received unanimous consent to withdraw amendment [H-8643](#), to Senate amendment [H-8640](#), filed by him on March 27, 2010, placing out of order amendment [H-8669](#) filed by Wenthe of Fayette from the floor.

Oldson of Polk offered the following amendment [H-8667](#), to the Senate amendment [H-8640](#), filed by her from the floor and moved its adoption:

[H-8667](#)

1 Amend the Senate amendment, [H-8640](#), to House File
2 2531, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, after line 22 by inserting:
5 <__. Page 6, after line 8 by inserting:
6 <Sec. __. FEDERAL RECOVERY AND REINVESTMENT FUND –
7 ADDITIONAL FUNDING FOR FISCAL YEAR 2010-2011.
8 1. In lieu of 2010 Iowa Acts, [House File 2519](#),
9 section 19, if additional funding designated for
10 education stabilization is made available for the
11 fiscal year beginning July 1, 2010, through the state
12 fiscal stabilization fund established pursuant to the
13 federal American Recovery and Reinvestment Act of 2009,
14 Pub. L. No. 111-5, such funding shall be credited to
15 the federal recovery and reinvestment fund created in
16 section 8.41A and is appropriated for the fiscal year
17 beginning July 1, 2010, and ending June 30, 2011, to
18 the departments and agencies that received the funding
19 designated for education stabilization in 2009 Iowa
20 Acts, chapter 183, section 61, subsection 1.
21 2. a. Except as otherwise provided in paragraph
22 "b", the amounts of the individual appropriations made
23 in subsection 1 shall be in the same proportion as the
24 individual appropriations in 2009 Iowa Acts, chapter
25 183, section 61, subsection 1, bear to the total amount
26 appropriated in that provision.
27 b. (1) The amount appropriated pursuant to
28 subsection 1 for state foundation aid to schools shall
29 not exceed the difference between the amount determined
30 for the standing appropriation for state foundation
31 aid for the fiscal year pursuant to section 257.16,
32 subsection 1, and the amount the standing appropriation
33 was limited to pursuant to this division of this Act.
34 (2) The amount appropriated for the fiscal year
35 pursuant to subsection 1 for instructional support
36 state aid under section 257.20 shall not exceed
37 \$5,609,950, shall be in addition to the appropriation
38 made in this division of this Act for the same purpose
39 from the school infrastructure fund, and shall be
40 allocated as provided in the school infrastructure fund
41 appropriation.
42 3. a. Except as provided in subsection 2 for
43 instructional support state aid, the distribution of
44 each appropriation made pursuant to subsection 1 to
45 subunits of the departments and agencies shall also be
46 in the same proportion as the distribution to subunits
47 of the individual appropriations in 2009 Iowa Acts,
48 chapter 183, section 61, subsection 1. However, state
49 foundation aid to school districts shall be distributed
50 based on 2010 Iowa Acts, [House File 2519](#), section 20,

Page 2

1 subsection 1.

2 b. If good cause exists, as determined by
3 the departments of education and management, in
4 coordination with the office of the governor,
5 adjustments may be made to distribution proportions to
6 the subunits other than as provided in paragraph "a".

7 4. The department of management shall report to the
8 chairpersons and ranking members of the appropriations
9 committees of the senate and house of representatives
10 and the legislative services agency concerning any
11 appropriations and distributions made pursuant to this
12 section, within two weeks of such appropriations and
13 distributions being made. >>

14 2. Page 1, after line 42 by inserting:

15 <__. Page 16, after line 29 by inserting:

16 <Sec. __. Section 16.181A, subsection 1, as
17 enacted by 2010 Iowa Acts, [Senate File 2389](#), is amended
18 to read as follows:

19 1. There is appropriated from the rebuild Iowa
20 infrastructure fund to the Iowa finance authority for
21 deposit in the housing trust fund created in section
22 16.181, for the fiscal year beginning July 1, 2009, and
23 ~~ending~~ beginning July 1, 2011, and for each succeeding
24 fiscal year, the sum of three million dollars.>

25 __. Page 21, after line 14 by inserting:

26 <Sec. __. Section 421C.2, subsection 8, paragraph
27 b, if enacted by 2010 Iowa Acts, [Senate File 2383](#), is
28 amended to read as follows:

29 b. "Third party" means an individual, institution,
30 corporation, or public or private agency which is or
31 may be liable to pay all or part of a debtor's monetary
32 claim. "Third party" does not include a financial
33 institution as defined in section ~~572.2~~ 527.2. >>

34 3. Page 2, by striking lines 36 through 38.

35 4. Page 6, after line 44 by inserting:

36 <__. Page 31, after line 23 by inserting:

37 <Sec. __. IOWA PHARMACY RECOVERY NETWORK. The
38 board of pharmacy may use fees retained by the board
39 pursuant to the authority granted in section 147.82
40 for purposes of supporting the Iowa pharmacy recovery
41 network. >>

42 5. By striking page 10, line 24, through page 11,
43 line 16.

44 6. Page 20, by striking lines 35 through 39.

45 7. By renumbering, redesignating, and correcting
46 internal references as necessary.

Amendment [H-8667](#) was adopted.

Rants of Woodbury offered the following amendment [H-8644](#), to the Senate amendment [H-8640](#), filed by him and moved its adoption:

[H-8644](#)

1 Amend the Senate amendment, [H-8640](#), to House File
 2 2531, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, after line 38 by inserting:
 5 <__. Page 10, by striking line 19 and inserting
 6 <the fiscal year ending June 30, 2010, shall be
 7 increased by 2 percent for the pay period beginning
 8 June 25, 2010, and increased by 1 percent for the pay
 9 period beginning December 24, 2010, and any additional
 10 changes in the pay plans shall be approved by the
 11 governor.>>
 12 2. Page 1, by striking lines 39 and 40.
 13 3. By renumbering as necessary.

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

On the question "Shall amendment [H-8644](#) to the Senate amendment [H-8640](#) be adopted?" ([H.F. 2531](#))

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Kelley
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, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Running-Marquardt

Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 2:

Ford Wendt

Amendment [H-8644](#) lost.

Horbach of Tama offered the following amendment [H-8662](#), to the Senate amendment [H-8640](#), filed by him and moved its adoption:

[H-8662](#)

1 Amend the Senate amendment, [H-8640](#), to House File
 2 2531, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 6, after line 33 by inserting:
 5 <__. Page 31, after line 23 by inserting:
 6 <Sec. __. IMPASSE PROCEDURE AND MEDIATION INTERIM
 7 STUDY. The legislative council is requested to approve
 8 an interim study committee for purposes of examining
 9 the issues related to sections 20.19 and 20.20 and
 10 rural water systems. >>
 11 2. Page 8, by striking lines 10 through 18 and
 12 inserting:
 13 <__. By striking page 35, line 23, through page
 14 37, line 11.>
 15 3. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Deyoe of Story.

Rule 75 was invoked.

On the question "Shall amendment [H-8662](#) to the Senate amendment [H-8640](#) be adopted?" ([H.F. 2531](#))

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Kelley	Koester
Lukan	Marek	May	Mertz

Miller, L.	Olson, S.	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 50:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Frevert	Gaskill	Gayman
Hanson	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Reasoner	Reichert	Running-Marquardt	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor	Thede	Thomas	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 2:

Ford	Wendt
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Amendment [H-8662](#) lost.

Soderberg of Plymouth offered the following amendment [H-8665](#), to the Senate amendment [H-8640](#), filed by him from the floor and moved its adoption:

[H-8665](#)

1 Amend the Senate amendment, [H-8640](#), to House File
 2 2531, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 8, after line 9 by inserting:
 5 <__. Page 35, after line 22 by inserting:
 6 <Sec. __. Section 469.9, Code Supplement 2009, is
 7 amended by adding the following new subsection:
 8 NEW SUBSECTION. 4A. a. During the period of
 9 funding for the Iowa power fund as provided in section
 10 469.10, the office of energy independence shall collect
 11 data on all grants and loans approved for funding.
 12 The department of management and the state agencies
 13 associated with the grants and loans shall assist the
 14 office with the data collection and in developing

15 the report required by this subsection. The office
16 shall report quarterly to the governor and the general
17 assembly concerning the data.

18 b. The report shall include but is not limited to
19 all of the following:

20 (1) The nature of each grant or loan and its
21 purpose.

22 (2) The status of each grant or loan and the amount
23 and percentage of power fund moneys expended for the
24 grant or loan.

25 (3) The outside funding that is matched or
26 leveraged by power fund moneys.

27 (4) The number of jobs created or retained due to
28 each grant or loan.

29 (5) For each grant or loan, the names of the grant
30 or loan contractors, their state of residence, and the
31 state of residence of the contractors' employees.

32 c. The office shall maintain an internet site that
33 allows citizens to track data on a county-by-county
34 basis. >>

35 2. Page 20, after line 39 by inserting:

36 <__. Page 42, after line 25 by inserting:

37 <Sec. __. EFFECTIVE DATE AND APPLICABILITY. The
38 section of this division of this Act enacting section
39 469.9, subsection 4A, being deemed of immediate
40 importance, takes effect upon enactment, and applies
41 to grants or loans approved on, before, and after the
42 effective date of the section. >>

43 3. By renumbering as necessary.

Roll call was requested by Soderberg of Plymouth and Abdul-Samad of Polk.

On the question "Shall amendment [H-8665](#) to the Senate amendment [H-8640](#) be adopted?" ([H.F. 2531](#))

The ayes were, 98:

- | | | | |
|-------------|-----------|----------|------------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | Baudler | Beard | Bell |
| Berry | Bukta | Burt | Chambers |
| Cohoon | Cownie | De Boef | Deyoe |
| Dolecheck | Drake | Ficken | Forristall |
| Frevert | Gaskill | Gayman | Grassley |
| Hagenow | Hanson | Heaton | Heddens |
| Helland | Horbach | Hunter | Huseman |
| Huser | Isenhardt | 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	Running-Marquardt
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Ford Wendt

Amendment [H-8665](#) was adopted.

Isenhart of Dubuque offered the following amendment [H-8651](#), to the Senate amendment [H-8640](#), filed by him and moved its adoption:

[H-8651](#)

1 Amend the Senate amendment, [H-8640](#), to House File
2 2531, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 9, after line 47 by inserting:
5 <__. Page 40, after line 29 by inserting:
6 <Sec. __. Section 256.9, Code Supplement 2009, is
7 amended by adding the following new subsection:
8 NEW SUBSECTION. 18A. The department shall compile
9 the financial information related to chapters 423E
10 and 423F from the certified annual reports of each
11 school district received pursuant to section 291.10,
12 subsection 2, and shall submit the information to the
13 general assembly in an annual report each February 1.
14 Sec. __. Section 291.10, Code 2009, is amended to
15 read as follows:
16 291.10 Reports by secretary.
17 1. The school district shall file an annual report
18 with the director of the department of education on
19 forms prepared for that purpose.
20 2. The annual report shall include the financial
21 information required in section 423F.5, subsection 1,
22 as related to moneys received under chapter 423E or

23 423F, as applicable, for each budget year. >>

24 2. By renumbering as necessary.

Roll call was requested by Forristall of Pottawattamie and Raecker of Polk.

On the question "Shall amendment [H-8651](#) to the Senate amendment [H-8640](#) be adopted?" ([H.F. 2531](#))

The ayes were, 86:

Abdul-Samad	Arnold	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Chambers	Cohoon	Cownie
Deyoe	Drake	Ficken	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Schueller	Schulte
Shomshor	Smith	Soderberg	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Wagner	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, 12:

Alons	Anderson	De Boef	Dolecheck
May	Pettengill	Sands	Schultz
Sorenson	Tymeson	Watts	Windschitl

Absent or not voting, 2:

Ford	Wendt
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Amendment [H-8651](#) was adopted.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-8655](#), to the Senate amendment [H-8640](#), filed by him on March 29, 2010.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-8663](#), to the Senate amendment [H-8640](#), filed by him on March 29, 2010.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-8649](#), to the Senate amendment [H-8640](#), filed by him on March 27, 2010.

Lensing of Johnson offered the following amendment [H-8668](#), to the Senate amendment [H-8640](#), filed by her and Koester of Polk from the floor and moved its adoption:

[H-8668](#)

- 1 Amend the Senate amendment, [H-8640](#), to House File
- 2 2531, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 24, line 46, through page 32,
- 5 line 23.
- 6 2. By renumbering as necessary.

Amendment [H-8668](#) was adopted.

Tymeson of Madison offered the following amendment [H-8647](#), to the Senate amendment [H-8640](#), filed by her and moved its adoption:

[H-8647](#)

- 1 Amend the Senate amendment, [H-8640](#), to House File
- 2 2531, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 32, line 24, through page 33,
- 5 line 39.
- 6 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 49.

Amendment [H-8647](#) was adopted, placing out of order amendment [H-8648](#) filed by Tymeson of Madison on March 27, 2010.

Steckman of Cerro Gordo asked and received unanimous consent to withdraw amendment [H-8646](#), to the Senate amendment [H-8640](#), filed by her on March 27, 2010.

Pettengill of Benton offered the following amendment [H-8642](#), to the Senate amendment [H-8640](#), filed by her and moved its adoption:

[H-8642](#)

1 Amend the Senate amendment, [H-8640](#), to House File
 2 2531, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 57, by striking lines 1 through 29 and
 5 inserting:
 6 <DIVISION _____
 7 DISASTER-RELATED DEDUCTIONS
 8 Sec. ____ DISASTER-RELATED PERSONAL CASUALTY
 9 LOSS DEDUCTIONS. A taxpayer is allowed to take the
 10 deduction for disaster-related casualty losses under
 11 section 165(h) of the Internal Revenue Code, as
 12 modified by the Heartland Disaster Relief Act of 2008,
 13 Pub. L. No. 110-343, in computing net income for state
 14 tax purposes.
 15 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 16 APPLICABILITY. This division of this Act, being deemed
 17 of immediate importance, takes effect upon enactment
 18 and applies retroactively to January 1, 2008, for
 19 tax years beginning on or after that date and before
 20 January 1, 2009.>
 21 2. By renumbering as necessary.

Roll call was requested by Pettengill of Benton and Paulsen of Linn.

On the question "Shall amendment [H-8642](#) to the Senate amendment [H-8640](#) be adopted?" ([H.F. 2531](#))

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Jacoby	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	Hanson	Heddens	Hunter
Huser	Isenhart	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Running-Marquardt	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor	Thede	Thomas	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 1:

Wendt

Amendment [H-8642](#) lost.

Lensing of Johnson asked and received unanimous consent to withdraw amendment [H-8664](#), to the Senate amendment [H-8640](#), filed by Lensing, et al., on March 29, 2010.

Wenthe of Fayette offered the following amendment [H-8666](#), previously deferred, to the Senate amendment [H-8640](#), filed by him from the floor and moved its adoption:

[H-8666](#)

1 Amend the Senate amendment, [H-8640](#), to House File
 2 2531, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, after line 2 by inserting:
 5 <__. Page 3, line 20, by striking
 6 <Notwithstanding> and inserting:
 7 1. Notwithstanding>
 8 __. Page 3, line 27, by striking <2,494,057,875>
 9 and inserting <2,499,157,875>
 10 __. Page 3, after line 27 by inserting:
 11 <2. There is appropriated from the Iowa
 12 comprehensive petroleum underground storage tank fund
 13 for state foundation aid for the fiscal year beginning
 14 July 1, 2010, and ending June 30, 2011, the following
 15 amount, or so much thereof as is necessary to be used
 16 for the purposes designated:
 17 In lieu of an equal amount appropriated from the

18 general fund for state foundation aid under section
 19 257.16, subsection 1, as limited by subsection 1
 20 of this section, notwithstanding section 455G.3,
 21 subsection 1:
 22 \$ 5,100,000>
 23 ____ Page 3, line 28, by striking <1.> and
 24 inserting <3. a.>
 25 ____ Page 4, line 1, by striking <2.> and inserting
 26 <b.>
 27 ____ Page 4, by striking line 2 and inserting
 28 <subsection 1, after the allocation made in paragraph
 29 "a" is>>
 30 2. By renumbering as necessary.

Amendment [H-8666](#) was adopted.

Oldson of Polk moved the adoption of the Senate amendment [H-8640](#), as amended.

The motion prevailed and the House concurred in the Senate amendment [H-8640](#), as amended.

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

On the question "Shall the bill pass?" ([H.F. 2531](#))

The ayes were, 51:

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

The nays were, 48:

Alons	Anderson	Arnold	Bailey
Baudler	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Huser	Kaufmann
Kelley	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

Absent or not voting, 1:

Wendt

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2531](#) be immediately messaged to the Senate.

REMARKS BY MINORITY LEADER PAULSEN

Paulsen of Linn offered the following remarks:

Thank you Mr. Speaker. Mr. Speaker, ladies and gentleman of the House,

As we close another General Assembly, I want to begin by thanking the members of the Republican caucus. Thank you for your service, for your thoughtfulness in lawmaking and for your trust and friendship. It's an honor to serve as your leader. Thanks to this year's leadership team: Rod Roberts, Jeff Kaufmann, Steve Lukan, Matt Windschitl, Dave Deyoe, Erik Helland and Renee Schulte. Your efforts leading our caucus, on behalf of Iowans, are very much appreciated. A special thank you to the Republican Whip, Linda Upmeyer. You're always willing to take on new challenges and your excellent leadership and commitment to House Republicans and the State of Iowa are much appreciated.

There are numerous staff members who make this building operate. Thank you for all for your hard work. Specifically, I want to thank the House Republican staff: Noreen, Jeff, Josie, Lew, Lon, Brad, Ann, Matt, Tony, Kristi and Jason. I continue to be impressed at how hard you work to keep us informed and focused. You are the best caucus staff in the building. Thanks to our page, Daxton Oberreuter— you helped our office run smoothly, we appreciated your work this year and wish you luck next year at UNI.

Representatives May, Rants, Roberts, Sorenson, Struyk, and Tymeson, the House Republican caucus is better for your service. Thank you to all House retirees. The state of Iowa is a better place because of your service and we all wish you the best of luck.

Thank you also to Speaker Murphy and Leader McCarthy. You committed to include Republicans in the process and in the ways you could, you followed through on your promise. I appreciated that. You heard us out on our proposal to reorganize government. While Republicans think the final bill did not go far enough to find savings, we believe Iowans were better served because both parties were included in the process and worked together towards a common goal. In the end, we were left with a bill that was a step in the right direction.

At the start of the session I said that House Republicans would focus on three things. 1– Creating an environment which welcomes employers and encourages them to invest in our workforce. 2– Passing an affordable and responsible budget and 3– Standing up to the creeping federal intrusion into the lives of Iowans.

Unfortunately, 111,000 Iowans remain out of work and instead of working with employers, this body saddled them with more regulation and targeted them with property tax increases. Instead, we spent time on cowl lamps and lead wheel weights. This body even took the time to debate and spend money on heated sidewalks.

In this chamber, Republicans offered over \$290 million in savings this session. Not a single one of those ideas were adopted. I understand Democrats looked at our list of savings and questioned the amount. Fair enough. But what if you had adopted just 10 percent of those savings? \$29 million. How many of Iowa's 2,500 teachers being laid off would be saved from that fate if we would have prioritized teachers over state owned cars?

The Legislature convened with a \$1.1 billion hole in the state budget. We are adjourning with a \$1 billion hole. Much to the dismay of House Republicans, it is a disappointing and frustrating result of the session. Balancing the budget is not good enough if it is on the backs of the property taxpayer and that's what this body did.

To be clear, we are adjourning with a \$6.2 billion budget. You've decided to spend \$5.3 billion in ongoing revenue, \$700 million in one time money and nearly \$200 million in transfers to the property taxpayer. Over a three year period, \$532 million of general fund spending has been shifted to Iowa property tax payers.

The creeping federal intrusion is about to become even more rampant. While the federal government's take over of health care is advancing, Republican efforts in this chamber to stand up for our 10th Amendment rights and to fight for Iowans' health care freedom were defeated.

If you haven't noticed, a movement was created over the last 15 months. Massive federal intervention in the form of bailouts and takeovers have many Iowans feeling frustrated...powerless...helpless. Then they watched this body ignore them on things like marriage, tax policy and government spending. Frustration and exasperation with their government has made them pay attention. It is time to give Iowan's their state back.

Instead of turning our backs on Iowans, instead of assuming we know what is best for the people of this state, we must stop and listen. As true representatives, we must find more issues where Republicans and Democrats can come together and get to the business of solving problems. Iowans deserve a government that is transparent, responsive and one that operates on the idea of restraint. Government involvement is not the answer to every question.

In summary, there are a few things to be pleased with – we strengthened second amendment rights and we protected Iowans' right to deduct their federal income taxes. However, House Republicans believe Gov. Culver and this Legislature spent too much, saved too little and raised property taxes. In fact, I believe the number one thing this year will be remembered for is the massive property tax increase passed onto Iowans.

Let us learn from the past two years. Let us stop and go home. Let us go home and listen. The future of our state depends on us doing better.

Thank you.

MOTION TO RECONSIDER WITHDRAWN

[\(House File 2522\)](#)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider [House File 2522](#), a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and including effective date provisions, filed by him on March 25, 2010.

MOTION TO RECONSIDER WITHDRAWN

[\(Senate File 2367\)](#)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider [Senate File 2367](#), 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 including effective date and retroactive applicability provisions, filed by him on March 26, 2010.

MOTION TO RECONSIDER WITHDRAWN

[\(Senate File 2376\)](#)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider [Senate File 2376](#), 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 including effective date and applicability provisions, filed by him on March 26, 2010.

MOTION TO RECONSIDER WITHDRAWN
([Senate File 2377](#))

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider [Senate File 2377](#), a bill for an act relating to and making appropriations to the judicial branch, filed by him on March 17, 2010.

MOTION TO RECONSIDER WITHDRAWN
([Senate File 2378](#))

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider [Senate File 2378](#), a bill for an act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions, filed by him on March 25, 2010.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2522](#) and [Senate Files 2367, 2376, 2377 and 2378](#).

REMARKS BY MAJORITY LEADER MCCARTHY

McCarthy of Polk offered the following remarks:

Thank you, Mr. Speaker. Mr. Speaker, ladies and gentlemen of the House, I did not get a chance to prepare a speech this morning, so I will just be very brief.

Just a few thank yous. Thank you to Brian Meyer and Andrea Jansa and my staff. Thank you to the Speaker's staff: Carolyn, Ed, and Dean. Thank you to you, Mr. Speaker. I think we worked very well this year as a team. We were able to accomplish quite a bit. Thank you to Representative Paulsen and Noreen and the people that we've worked with on budget issues: Lon and Jeff Mitchell and others. So, thank you to your staff.

Thank you to the Chief Clerk and to the Chief Clerk's staff, LSA and all of the work that they have done late at night – many times all night – preparing our work for us so that we can get our work done the next day when we arrive back. And, thank you to all of the clerks and the pages and all they have done.

Also, to the leadership team that we have here. Representative Bukta and Representative Jacoby, Representative Abdul-Samad and Gayman and Steckman: Thank you for all of your work this year and for helping to move the process forward.

And to all of the retiring legislators. I believe we have fourteen retiring legislators. So, at a minimum next year we will have a 14% change, and that will certainly change the tone and dynamic about how we operate. And that's a good thing.

I was somewhat moved at Representative Rants' retirement speech the other day in the sense that he had that picture on his desk he said when he first got elected and it said "facing the five-hundred and whatever it was, over half-billion dollar shortfall coming into the session and all of the big controversial issues." And, here we are, many, many, many years later. What did he say? Was it 18, 20 years later? Whatever it was we're back here again and we're facing a lot of the same issues, but we get our work done, and contrary to a lot of popular belief, we do most of it in a pretty strong bipartisan fashion.

I was talking to a colleague of mine in another state, a legislative leader from another state. We were chatting about their particular state and our particular state and we really, really should be proud here in Iowa. In other states they literally tear each other apart over issues like health care; over issues of renewable energy, and in this state, in our health care work there has been a pretty strong bipartisan effort. We haven't gone at each others' throats on all sorts of issues.

Representative Heddens works well with Representative Heaton, and Representative Upmeyer works well with Representative Smith. We get our work done and sometimes there are no votes on the board, but we get our work done in a bipartisan fashion – not what we see on TV at night about Washington D.C... This colleague in another state said, "You guys are actually able to have a balanced budget."

We hear arguments about budgeting. The fact of the matter is that we have a non partisan entity that scores our budget and our budget is balanced and that's something that we should be very proud of. Also, we're one of about five states in the country that have a surplus. Between our cash reserve funds and our ending budget we're at about a third of a billion dollars right now. So, given the context that we just went through and are kind of coming out of the biggest national economic crunch since the Great Depression, to have a state that's budget is balanced with a few hundred million dollar surplus, working well in a bipartisan fashion, adjourning on the 79th day of session, we should be darn proud. We should be very proud.

A couple of the thoughts here, something that I want congratulate both parties on: the government reorganization costs savings measure. Mary Mascher and Doug Struyk led the largest cost saving measure ever passed by the Iowa legislature, either as a dollar amount or as a percentage...ever passed. So, we might have been able to do more, but it's the largest ever passed. We should be proud of that. It looks like we are moving out of our economic crunch here in Iowa. Receipts on a day to day basis are now slowly creeping upwards. We picked up \$33 million at our last REC. I predict

some significant progress in our state receipts come the next REC, probably around in July.

I think the water cooler conversations in this state will be that of recovery this summer and fall; recovery. What will this legislature be remembered for? This probably will not be politically popular to say, you're supposed to come up with a big slogan: What will this session be remembered for? I think, if you step back and look globally at the United States, the crunch that this country has felt, forty five, forty six states facing billions of dollars deficit; tens of thousands of layoffs. This session may not be remembered too much five or six years from now. It really might not be remembered too much, and given the context of the national crunch that we went through, that is a testament to our success because we did our work, it's not too flashy in the face of some difficult, difficult circumstances.

We're going to be done here today and then we are going to be back out on the campaign trail. A few folks have primaries and the rest of us will all be up either on the ballot or having an opponent and will take our case to the voters again, and then we'll come back next year and we'll read articles from Jason Clayworth about budget challenges and we'll have some fights about different issues, but we'll get our work done again. We'll get our work done again. It's been a pleasure to serve with all of you. Thank you for all of your work, and thank you again Mr. Speaker, and thank you Representative Paulsen. I think I thanked your staff, I didn't thank you so thank you; we've had a very good working relationship again this year. And I look forward to seeing you all hopefully this afternoon as we celebrate. Thank you.

REMARKS BY SPEAKER MURPHY

Speaker Murphy offered the following remarks:

First of all, I just want to talk briefly about this session. We said that we'd do it in 80 days and it looks like we're going to do it in 79 unless I get in a run of words for the next eleven hours and fifty-five minutes.

There were two curves that were thrown this year: I lost my mother, and we had Roger Wendt who came down with cancer and was unfortunately unable to finish the session. But I will say for Roger and for me, the well-wishing and cards we got from everybody in this chamber. We always have the people on the right and the left here talking about us, but we're Iowans first and I saw that first-hand so thank you.

I also want to talk about the people who are saying farewell. We have people that are leaving here today with over 150 years of experience that won't be back. To Christopher Rants, Mike May, Ken Sorenson, Rod Roberts, Jodi Tymeson, Doug Struyk, Marcie Frevert, Wes, Mark Kuhn, Elesha Gayman, Polly Bukta, Dolores, Wayne, thank you for your service. Thank you very much. There's only 86 other individuals in this room that have any idea the service you've given, so thank you again.

We came into this session knowing that we had a tough budget crunch, but we leave here today with what we talked about the first day of the session: balancing the budget and not raising taxes. \$382 million dollars will be in our reserve accounts this year, which is great. But a lot of thanks goes out in a bipartisan effort because we wouldn't be where we are at today if it wasn't for state reorganization, which was led

by Representative Mascher and Representative Struyk. Their bipartisan effort gave us two-thirds of what we have in our reserve account because of cost savings they have made that, quite frankly, Iowans aren't going to notice the difference in their service – it's going to be the same – but the things we did behind the scenes to save money saved us \$265 million. Thank you for your work.

We will be spending less in general fund money than we did the current year we're in. We'll be a little over \$5.2 million, less than the current budget, which is a little over 5.3. Again, thank you for those opportunities where we are able to work in a bipartisan session. Rep. Paulson, thank you for cooperating with us and working on the budget bills that we were able to get out of here in 80 days.

We also did a number of public safety bills. And like any session, I can sit here and talk about what we're going to do on the first day of session, but there are those things that come up that I had no idea we were going to do. I think one thing that we did do this year was on gun safety and if you would have asked me on the first day of session I would have said there would be no way it would be accomplished. Representative Baudler, Representative Rick Olson, Representative Lykam and others that were involved in those issues, Representative Andersen, thank you for your work. We have one: taken people that act in a violent way in domestic situations, we have taken guns away from them, but we've also standardized permits for all 99 counties. I know that doesn't make everybody happy, but I think those bills were the right thing to do and we were able to do them in a bipartisan effort this year.

We also had the opportunity to do some other bills as well. Representative Hanson and Representative Tjepkes, one that gets a lot of attention is the whole issue of texting and operating your vehicle at the same time. We were able to get a bill done, and with the Senate in a bipartisan and bicameral action.

We also wanted to keep a focus on what we could do to help middle class families. We continue to invest in I-JOBS. We continue to rebuild the state's infrastructure. We're stimulating the economy. We're rebuilding those disaster-affected communities around the state that were affected by the floods of '08, and we will continue to put Iowans back to work with good paying jobs with the dollars that are in those programs. But we're also helping other communities to help fix problems that they have as well.

For Representative Swaim, Jacoby, Representative Tyler Olson, Representative Quirk, Representative Lensing, Burt and Beard, thank you for working behind the scenes this year on our Save Our Small Business fund that we passed yesterday. I think that's going to do a number of things to stimulate our economy and help small businesses get the assistance they need when they can't get it anywhere else.

And we were also able to work on the WARN act this year, which gives workers advance notice of layoffs. We also continue to fund, and I want to think Representatives Kressig and Thomas for their work the SBDC's, for the blood bank initiative we did that will help create 70 or 80 jobs in Eastern Iowa.

In the area of education, we increased state aid to K-12 schools by \$150 million. We also expanded our statewide preschool initiative to hit our \$60 million goal over four years. We reached the national average for teacher pay and went from 46th to 22nd in four years.

In the area of health care, again, Representative McCarthy said it best: we have people that work in a bipartisan effort. Representative Upmeyer, Representative Heddens, Representative Smith and others: you've helped make IowaCare available across the state. We've expanded HAWK-I. Representative Petersen, you've done a wonderful job on advanced notice to consumers of premium rate increases.

But we also made a big difference for people like Roger Wendt who, if they need to get into cancer clinical trials, can do it without fear of losing their health insurance coverage. And for people like Ray Zirkelbach, who were able to get a bill passed on mental health parity for veterans. Those are just a few of our accomplishments this year.

At the beginning of session, both parties talked about was promoting accountable and accessible government, making sure it was transparent so that Iowans could see what was going on. We've done a number of initiatives this year to make sure we have the oversight needed so Iowans know how their dollars were spent and that they're spent wisely. I thank you all for your bipartisan work on that this year.

The other thing that I didn't think we'd be doing this year with the shortness of funds, and I have to give Ray Zirkelbach credit for, is, if you go ten for ten in baseball, you're going to make a heck of a free agent, and Representative Zirkelbach went ten for ten on the top priorities of veterans this year. I really do appreciate everything you've done for veterans. And for those people who serve on the Veterans Committee, Representative Chambers, Representative Tymeson, Representative Zirkelbach, Representative Sweeney, you've all done a great job on working with Representative Zirkelbach on most of these issues. They were not partisan and they were able to get signed into law.

The last thing I want to do is thank the staff. I want to thank Kevin McCarthy, he's been a great teammate. He's been able to take a lot of things and just run with them so that I don't have to do them. And your staff, I want to thank them as well. They work well with the Speaker's office, and, quite frankly, it's very transparent there.

Representative Paulsen, I want to thank you for the work that you've done with our caucus this year on numerous different issues, and Noreen Otto in your office as well. Noreen has always been great for our staffs to work with and to work with her. I don't want to miss the Republican caucus staff because Jeff Mitchell's on staff. I just have one question to ask the caucus staff over there, have we supplied enough liquid refreshment for you between now and next January?

I want to also thank my staff: Carolyn, Ed, Dean, especially because they prepared my remarks today, or I'd be sitting up here trying to figure out what I'm saying. They make things work behind the scenes and I never have to worry about what's getting done. And especially to the interns. The interns were a huge help in our office this year. Thank you for your help.

I want to also mention, I know I'm biased in this, but I think we have the best caucus staff, the Democratic caucus staff. And for the first time we have somebody retiring. I just want to take this moment to say to Paulee Lipsman. Paulee, every legislator has a little bit of an ego, and you've had to deal with hundreds of them over the last twenty-some odd years. Thank you for working with all of them and thank you

for everything you've done. Enjoy your retirement. Make sure you come up here next year and get a few laughs watching how we work and remembering what it was like. I know we won't be able to get somebody as capable as Paulee, but we will get somebody who's taller. Other than that, I won't make any guarantees.

To Mark Brandsgard, Dave Schrader, and their staff, thank you for everything that you do for the House. This year, the only problem we had with your office was the computer system on the voting machine. If it wasn't for that, I don't think anybody would notice the job that you do, and that's a sign of the great job that you do. Thank you for everything you do for us.

The other group I'd like to recognize is LSA, I know most of them aren't here. They're out drafting amendments for what we just did to the standings bill that's going over to the Senate. But they're another group that we don't see everyday. They make us all look good. They always make sure we have the right amendments at the right time, and if we don't, they always correct it quickly. To Glen Dickinson, Holly Lyons, Rich Johnson, their entire staff, thank you for everything you do behind the scenes making this place run efficiently.

The last group I want to mention in this chamber, though, are the young people, the pages. People always worry about our future, but when I see the pages we have here, I think our future is in good hands. Thank you. And I forgot to especially point out Macki Ditch for working here alongside me this whole year. She gets a lot of experiences in the Speaker's office, some that are probably not that memorable, but at the same time makes our office work so efficiently. We really do need to feel proud of our young pages that have worked here. Plus, for the first time since I've been here in 21 years, the women get the pick of the litter, not the men, because there's more male pages this year than there are female pages, which I think is great that we have more of them getting active, so thank you to all of you. I'm sure the girls enjoy the fact that there were lots of boys to pick over instead of the other way around this year.

The last thing I want to do is thank my wife and family for the opportunity to serve here, and to my caucus and the entire chamber for the opportunity to serve as speaker. It's a very unique job, some days it's very long, sometimes it's very stressful, but I will tell you I sleep well every night due to the stress that I get. So I want to thank you, it's been a unique opportunity to serve as Speaker for both my caucus and the chamber and the state. But it's now time for us to move on, to move forward. All of us have lives out of here. We've all had a long winter. When we came here in January it was nice and cold, but I can't think of a better time to adjourn than over the lunch hour when it's 72 degrees outside. So I think with that, it's time for us to move on and move to the other parts of our lives. For those retiring members, again, thank you for all your time, your generosity, and your service to this state. Thank you.

ADOPTION OF [HOUSE CONCURRENT RESOLUTION 109](#)

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House Concurrent Resolution 109](#), and moved its adoption as follows:

HOUSE CONCURRENT RESOLUTION 109

By McCarthy and Paulsen

1 A concurrent resolution to provide for adjournment sine
2 die.
3 *Be It Resolved By The House Of Representatives,*
4 *The Senate Concurring,* That when adjournment is had
5 on Tuesday, March 30, 2010, it shall be the final
6 adjournment of the 2010 Regular Session of the
7 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 109 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 March 18, 2010, passed the following bill in which the concurrence of the Senate was asked:

House File 2519, 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, the federal American Recovery and Reinvestment Act of 2009, and other nonstate sources, 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 date and retroactive applicability provisions.

Also: That the Senate has on March 26, 2010, 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 2525, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions.

Also: That the Senate has on March 27, 2010, 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 2526, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

Also: That the Senate has on March 30, 2010, 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 2531](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by increasing the maximum allowable local hotel and motel tax rates, 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 applicability provisions.

Also: That the Senate has on March 30, 2010, adopted the following resolution in which the concurrence of the Senate was asked:

[House Concurrent Resolution 109](#), a concurrent resolution to provide for adjournment sine die.

MICHAEL E. MARSHALL, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, March 29, 2010. Had I been present, I would have voted "aye" on amendment [H-8652](#) to [Senate File 2379](#) and "aye" to final passage of [Senate File 2379](#). I would also have voted "aye" on amendments [H-8656A](#) and [H-8660A](#) to [Senate File 2389](#).

DE BOEF of Keokuk

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 30th day of March, 2010: House Files 674, 726, 788, 823, 2193, 2197, 2200, 2229, 2284, 2294, 2310, 2370, 2377, 2399, 2409, 2414, 2418, 2432, 2437, 2438, 2454, 2456, 2458, 2459, 2473, 2483, 2484, 2485, 2487, 2496, 2512, 2518, 2519, 2522, 2525, 2526, 2531 and 2532.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

FINAL ADJOURNMENT

By virtue of [House Concurrent Resolution 109](#), duly adopted, the day of March 30, 2010 having arrived, the Speaker of the House of Representatives declared the 2010 Regular Session of the Eighty-third General Assembly adjourned sine die at 12:22 p.m.

SUPPLEMENT TO HOUSE JOURNAL**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 2010 Regular Session of the Eighty-third General Assembly and which action was had subsequent to the date of final adjournment.

- [H.F. 674](#)— Relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable. Approved 4-12-10.
- [H.F. 726](#)— Providing for unincorporated nonprofit associations, and providing for fees and penalties. Approved 4-7-10.
- [H.F. 788](#)— Concerning alcohol beverage control, relating to minors and public intoxication or possession of alcohol and prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable. Approved 4-12-10.
- [H.F. 823](#)— Requiring public schools, community colleges, institutions under the control of the state board of regents, and state agencies to comply with an environmentally preferable cleaning and maintenance policy unless specified conditions for noncompliance are satisfied. Approved 4-23-10.
- [H.F. 2193](#)— Relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties. Approved 4-21-10.
- [H.F. 2197](#)— Providing veterans a holiday for veterans day and making penalties applicable. Approved 4-27-10.
- [H.F. 2200](#)— Relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable. Approved 4-7-10.
- [H.F. 2229](#)— Prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan. Approved 4-29-10.
- [H.F. 2284](#)— Relating to various activities regulated and programs administered by the department of public health, including fetal death certification, and optometry, cosmetology, and barbering licensure. Approved 4-23-10.

- [H.F. 2294](#)— Relating to the distribution of moneys from the disaster aid individual assistance grant fund. Approved 4-21-10.
- [H.F. 2310](#)— Relating to raising or releasing pen-reared pheasants originating from a hatchery approved by the department of natural resources. Approved 4-29-10.
- [H.F. 2370](#)— Relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations. Approved 4-14-10.
- [H.F. 2377](#)— Relating to extending a period of probation and including applicability provisions. Approved 4-28-10.
- [H.F. 2399](#)— Requiring certain rate-regulated public utilities to undertake analyses of and preparation for the possible construction of low carbon emitting nuclear generating facilities in this state, permitting all rate-regulated public utilities to make significant alterations to an existing generating facility, and including effective date provisions. Approved 4-28-10.
- [H.F. 2409](#)— Eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions. Approved 4-7-10.
- [H.F. 2414](#)— Relating to service in an honor guard unit on public property. Approved 4-27-10.
- [H.F. 2418](#)— Relating to periodic evaluations of certain air quality standards. Approved 4-7-10.
- [H.F. 2432](#)— Relating to a study of the opportunities for recruiting racial and ethnic minority teachers. Approved 4-13-10.
- [H.F. 2437](#)— Relating to private sewage disposal system inspections and groundwater hazard statements as part of certain property transfers. Approved 4-8-10.
- [H.F. 2438](#)— Relating to the criminal offense of enticing or attempting to entice a minor and providing penalties. Approved 4-12-10.
- [H.F. 2454](#)— Providing for the development of programs to attract qualified disabled veterans for job opportunities in state government. Approved 4-27-10.
- [H.F. 2456](#)— Concerning the use of electronic communication devices while driving, and providing penalties. Approved 4-1-10.
- [H.F. 2458](#)— Relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads. Approved 4-23-10.
- [H.F. 2459](#)— Relating to watersheds. Approved 4-7-10.

- [H.F. 2473](#)— Relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding. Approved 4-12-10.
- [H.F. 2483](#)— Relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision. Approved 4-14-10.
- [H.F. 2484](#)— Exempting certain boat harbors from certain dock requirements and including effective date provisions. Approved 4-10-10.
- [H.F. 2485](#)— Relating to public employee collective bargaining. Approved 4-23-10.
- [H.F. 2487](#)— Relating to the allocation, issuance, reporting, recapture, and reallocation of recovery zone bonds, and including effective date provisions. Approved 4-7-10.
- [H.F. 2496](#)— Relating to recycling initiatives. Approved 4-23-10.
- [H.F. 2512](#)— Concerning weight limits for certain commercial motor vehicles on noninterstate highways. Approved 4-15-10.
- [H.F. 2518](#)— Concerning public retirement systems, including the public safety peace officers' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions. Approved 4-23-10.
- [H.F. 2519](#)— Relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, the federal American Recovery and Reinvestment Act of 2009, and other nonstate sources, 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 date and retroactive applicability provisions. Approved 4-28-10.
- [H.F. 2522](#)— Relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and including effective date provisions. Approved 4-28-10.
- [H.F. 2525](#)— Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective and applicability date provisions. Approved 4-29-10 with the exception of Sections 13 and 14. See Governor's Item Veto Message.

- [H.F. 2526](#)— Relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions. Approved 4-29-10 with the exception of Sections 72 and 80. See Governor's Item Veto Message.
- [H.F. 2531](#)— 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 applicability provisions. Approved 4-29-10 with the exception of Section 106; Section 112, subsection 3, paragraph a. See Governor's Item Veto Message.
- [H.F. 2532](#)— Exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision. Approved 4-6-10.
- [S.J.R. 2007](#)— Supporting the preservation efforts for the Battleship Iowa, BB-61. Approved 4-12-10.
- [S.F. 153](#)— To allow medical or osteopathic physicians, and physician assistants to form limited liability companies or professional corporations. Approved 4-13-10.
- [S.F. 285](#)— Relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty. Approved 4-21-10.
- [S.F. 393](#)— Relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting. Approved 4-23-10.
- [S.F. 431](#)— Relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date. Approved 4-12-10.
- [S.F. 2156](#)— Relating to the IowaCare program, and providing for repeals. Approved 4-21-10.
- [S.F. 2158](#)— Relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process. Approved 4-21-10.
- [S.F. 2175](#)— Providing for representation of military veterans on certain mental health policy bodies. Approved 4-6-10.

- [S.F. 2192](#)– Prohibiting the running of a transfer fee covenant with the title to real property and including effective date and applicability provisions. Approved 4-23-10.
- [S.F. 2199](#)– Relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, establishing titling procedures for certain manufactured and mobile homes, making penalties applicable, and including effective date provisions. Approved 4-7-10.
- [S.F. 2200](#)– Relating to transfer of guardianship for a child in need of assistance to the probate court. Approved 4-21-10.
- [S.F. 2201](#)– Relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, a health care and insurance cost work group, applications for health insurance rate increases, an internet consumer guide, examination of insurance companies, life insurance companies and associations, special health and accident insurance coverages, utilization and cost control, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable and including effective date provisions. Approved 4-9-10.
- [S.F. 2215](#)– Relating to the use of genetic information and samples for genetic testing and providing for civil and administrative enforcement and providing penalties. Approved 4-23-10.
- [S.F. 2216](#)– Allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty. Approved 4-23-10.
- [S.F. 2220](#)– Relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void. Approved 4-23-10.
- [S.F. 2226](#)– Relating to custody, physical care, and visitation provisions relating to a child of a parent who is serving active duty in the military service of the United States and including effective date provisions. Approved 4-27-10.
- [S.F. 2250](#)– Creating the criminal offense of aggravated theft, and providing a penalty. Approved 4-12-10.
- [S.F. 2254](#)– Relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts and to keep certain records. Approved 4-8-10.

- [S.F. 2267](#)– Relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly. Approved 4-23-10.
- [S.F. 2273](#)– Relating to a study regarding implementation of electronic registration and titling of vehicles, and containing effective date provisions. Approved 4-7-10.
- [S.F. 2274](#)– Relating to certain national security and military education benefits and programs. Approved 4-27-10.
- [S.F. 2279](#)– Relating to voluntary shared work plans under the unemployment compensation program. Approved 4-7-10.
- [S.F. 2286](#)– Relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties. Approved 4-9-10.
- [S.F. 2297](#)– Concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, weapons permit renewals, and declarations for disposition of remains. Approved 4-27-10.
- [S.F. 2304](#)– Relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report. Approved 4-23-10.
- [S.F. 2310](#)– Creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation. Approved 4-23-10.
- [S.F. 2318](#)– Concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable. Approved 4-27-10.
- [S.F. 2324](#)– Modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions. Approved 4-12-10.
- [S.F. 2331](#)– Relating to participation of chiropractors in the hawk-I program. Approved 4-14-10.
- [S.F. 2333](#)– Relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse and providing penalties. Approved 4-29-10.
- [S.F. 2343](#)– Relating to the appointment of judicial officers and senior judges. Vetoed 4-28-10. See Governor's Veto Message.
- [S.F. 2344](#)– Relating to the violator facility established within the department of corrections. Approved 4-21-10.

- [S.F. 2345](#)– Relating to judicial branch administration, child custody and visitation matters. Approved 4-23-10.
- [S.F. 2348](#)– Providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions. Approved 4-7-10.
- [S.F. 2354](#)– Relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions. Approved 4-8-10.
- [S.F. 2356](#)– Relating to the health care including Iowacare program provisions and the creation of an Iowa insurance information exchange to promote transparency, quality, seamlessness, and informed choices relative to health care coverage. Approved 4-14-10.
- [S.F. 2366](#)– Relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions. Approved 4-15-10.
- [S.F. 2367](#)– 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 including effective date and retroactive applicability provisions. Approved 4-29-10 with the exception of Section 13, subsection 4, paragraph b. See Governor’s Item Veto Message.
- [S.F. 2371](#)– Relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions. Approved 4-23-10.
- [S.F. 2373](#)– Relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions. Approved 4-23-10.
- [S.F. 2375](#)– Relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions. Approved 4-21-10.
- [S.F. 2376](#)– 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 including a study of the open meetings and public records laws, and including effective date and applicability provisions. Approved 4-22-10.
- [S.F. 2377](#)– Relating to and making appropriations to the judicial branch. Approved 4-28-10.

- [S.F. 2378](#)– Relating to and making appropriations to the justice system, modifying certain traffic offenses, fees and fines, and including effective date provisions. Approved 4-29-10 with the exception of Section 4, subsection 5; Section 5, subsection 6; Section 17; Section 18, subsection 3, paragraph ag. See Governor’s Item Veto Message.
- [S.F. 2379](#)– Relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date. Approved 4-29-10.
- [S.F. 2380](#)– Relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions. Approved 4-15-10.
- [S.F. 2381](#)– 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, providing for properly related matters, and making penalties applicable. Approved 4-28-10.
- [S.F. 2383](#)– Relating to the collection of debt obligations owed the state and cities and establishing a state debt coordinator, providing a fee, and including effective date provisions. Approved 4-21-10.
- [S.F. 2384](#)– Relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative. Approved 4-21-10.
- [S.F. 2387](#)– Providing for a sales tax exemption for specified purchases made by a regional blood testing facility registered by the federal food and drug administration. Approved 4-21-10.
- [S.F. 2388](#)– Establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provision. Approved 4-14-10.
- [S.F. 2389](#)– Relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date. Approved 4-26-10 with the exception of Section 49, paragraph 2. See Governor’s Item Veto Message.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

April 28, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby disapprove and transmit to you [Senate File 2343](#), an Act relating to the appointment of judicial officers and senior judges, without my signature, in accordance with Article III, Section 16 of the Constitution of the State of Iowa.

I support the principles behind much of [Senate File 2343](#) including: Section 4 that provides additional flexibility for the residency requirements for associate district court judges by requiring residency within the judicial district rather than the current requirement of county; Section 5 that provides additional flexibility in the selection of magistrates by allowing magistrates to be residents of a contiguous county; and Sections 6 through 8 that make technical changes to the senior judge program.

However, I am unable to approve [Senate File 2343](#) for the following reasons. Section 1 of this bill creates an additional requirement on the appointment of Iowans to the district judicial nominating commissions by requiring that only one appointed commissioner may be appointed from each county unless there are fewer counties than commissioners. While I support the concept of geographic representation among the appointed members of the district judicial nominating commissions, I believe this is most appropriately applied as a criterion in choosing individuals for appointment to the commissions rather than as a statutory mandate. By placing this requirement in law, qualified individuals who wish to serve on the commissions may be excluded from service simply because there is currently a member of the commission from that county.

Sections 2 and 3 of this bill substantially alter the process for filling judicial vacancies, by allowing the Chief Justice of the Supreme Court the authority to delay the appointment of judges and associate judges for up to one year. Under Article V, Section 10 of the Constitution of the State of Iowa the responsibility for determining judicial districts and the number of judges within a judicial district is assigned to the General Assembly. I believe the Constitution has appropriately placed these responsibilities with the General Assembly which is more immediately accountable to Iowans. Section 2, shifts much of the authority vested by the Constitution with the General Assembly to the Chief Justice by allowing the Chief Justice to delay an appointment for "budgetary reasons" with no further explanation required.

With this change, the Chief Justice could for all practical purposes determine the number of judges in each judicial district by deciding which judicial openings are filled and which are delayed. To delay judicial appointments for up to one year for

“budgetary reasons” without any public accountability or additional criteria is excessively vague. Iowans expect more precise standards for determining if judicial vacancies are filled. Furthermore, allowing such discretion creates additional potential to limit Iowans access to courts and delay court proceedings. The sunset provision repealing the sections in 2013 is insufficient to alleviate my concerns about this shift in responsibilities between the branches of government.

The remaining sections of this bill advance important public policy objectives including modifying the residency restrictions for district associate judges and magistrates and modifying the requirements for senior judges. I have no objections to these sections.

I commend the Judicial Branch under the Chief Justice’s leadership for continuing to provide access to the Courts to Iowans even under challenging budgetary circumstances.

For all these reasons, I hereby disapprove and transmit to you, without my signature, [Senate File 2343](#), in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Sincerely
Chester J. Culver
Governor

GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communications were received and placed on file:

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2525](#), an Act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective and applicability date provisions. [House File 2525](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 13 of [House File 2525](#) in its entirety. This section eliminates the positions of the Chief and Assistant Chief of the Law Enforcement Bureau of the Department of Natural Resources. I am disapproving this language because these two positions are critical to the Department's mission and public safety. Both of these positions are funded with Fish and Wildlife Trust Fund monies and elimination of these two positions will not save any General Fund dollars. Furthermore, Section 13 is an unnecessary infringement on Executive Branch authority.

I am also unable to approve Section 14 in its entirety. This section makes the elimination of the positions of Chief and Assistant Chief of the Law Enforcement Bureau of the Department of Natural Resources effective upon enactment of [House File 2525](#). Since I am disapproving Section 13, which would have eliminated these two positions, this language in Section 14 is, therefore, unnecessary.

For the above reasons, I hereby 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 2525](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2526](#), an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions. [House File 2526](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 72 of the bill in its entirety. This provision deals with food establishment inspections and contracting with a municipal corporation to fulfill the department's regulatory and inspection statutory responsibilities. I disapprove this language because it takes away the department's discretion to maximize staff and resources, and to enter into contracts based upon efficient government, which is especially important during these difficult economic times.

I am unable to approve the item designated as Section 80 of the bill in its entirety. This provision permits unexpended decategorization funding to carry forward for two succeeding fiscal years beyond the current fiscal year. Given the difficult economic times, the additional time to expend these funds is not prudent and should not be allowed. Other than capital expenditures, a two-year carry forward is not commonly allowed in Iowa law. Furthermore, this does not conform to reasonable government accounting practices.

For the above reasons, I hereby 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 2526](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [House File 2531](#), 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 applicability provisions. [House File 2531](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 106 of this bill in its entirety. This section requires the Office of Energy Independence to collect and report data on all grants and loans provided under the Iowa Power Fund. I am disapproving this language because it is unnecessary and duplicative. The Office of Energy Independence already collects and provides information about the effectiveness of the Power Fund, which is helping our state become more energy independent and creating jobs.

I am unable to approve Section 112 subsection 3, paragraph a, of this bill in its entirety. Current law requires pharmacy technicians to obtain national certification by July 1, 2010. In addition, current law provides that new technicians who register beginning July 1, 2009, are to be granted one year from the date of their registrations with the Iowa Board of Pharmacy to show proof of having obtained national certification. This one year period is critical because new registrants use this time to obtain on-the-job experience working with licensed pharmacists, which enhances the technicians' readiness to take the national certification examination. This provision eliminates the one year period until December 31, 2012; this means technicians who have registered since July 1, 2009 now must show proof of having obtained national certification by July 1, 2010, but no longer have the year to prepare for the national certification examination. This will likely affect up to 600 individuals. In addition, new pharmacy technicians would now need to be nationally certified prior to even registering with the board, which will likely affect up to 1,000 new technicians per year.

For the above reasons, I hereby 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 2531](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2367](#), 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 including effective date and retroactive applicability provisions. [Senate File 2367](#) is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the item designated in Section 13, subsection 4, paragraph b of the bill in its entirety. This paragraph directs the Department of Inspections and Appeals to provide information to the public relating to inspections, operating costs,

and FTE positions. I strongly encourage the Department to continue its efforts to provide greater transparency, however I disapprove this language because some of this data is already being collected and controlled by the federal government. Because the Department has already made much of this information, especially regarding inspections, part of the public record, the added expense that would be required to assemble and maintain the information to meet the legislative requirement is fiscally burdensome.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 2367](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2378](#), an Act relating to and making appropriations to the justice system, modifying certain traffic offenses, fees and fines, and including effective date provisions. [Senate File 2378](#) 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 of the bill in its entirety. This provisions calls for the Department of Corrections to eliminate the chief security officer position. The funding for this position has already been eliminated as a result of budget cuts and this language is unnecessary.

I am unable to approve the item designated as Section 5, subsection 6 of the bill 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 to assure that each CBC facility will maintain control of the types and numbers of offenders whom they serve in their respective residential programs.

I also am unable to approve the related section designated as Section 17 of the bill in its entirety. This section creates an effective-upon-enactment date for the item above (Section 4, subsection 5) related to the elimination the Department of Corrections chief security officer position.

I am also unable to approve the item designated as Section 18, subsection 3, lettered paragraph "ag" of the bill in its entirety. This language creates two different fines for violations of Iowa Code section 321.437 related to rear view mirrors and side view mirrors and conflicts with subsection 12, lettered paragraph "b" of the bill. This disapproval will correct the inconsistency immediately rather than waiting for the next legislative session to take corrective action.

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 2378](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

April 26, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2389](#), 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, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date. [Senate File 2389](#) is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve paragraph 2 of section 49 of this bill in its entirety. This paragraph imposes certain time restrictions on the ability of the Department of Administrative Services (DAS) to relocate certain state agencies to space in the Mercy Capitol building. I am supportive of those sections of this bill that obligate DAS to undertake cost-benefit analyses before making certain agency relocation decisions, as presented under this section of the bill. However, if paragraph 2 of section 49 of this bill were to be implemented, taxpayer money would not be used in the most efficient manner possible, and certain administrative actions and expenses that had been undertaken prior to the passage of this bill would be unduly interfered with, resulting in the waste of taxpayer funds. For example, DAS has already expended funds and entered into agreements to purchase new telephones and to install new telephone lines into Mercy Capitol. A state agency that has already budgeted for its move to this building will save \$143,000 in annual rental payments, but would be prevented from doing so under this paragraph. The disapproval action I have described will allow DAS to save taxpayer money while prudently investing in Mercy Capitol and in the tenancies of state agencies that will reside there, on a cost-beneficial basis, in coming years.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 2389](#) are hereby approved this date.

Sincerely,
Chester J. Culver
Governor

COMMITTEE REVISIONS

The Speaker announced the following changes to the House committee assignments, effective April 14, 2010:

Ficken of Buchanan was appointed chair on the committee on **education**.

Wendt of Woodbury was appointed vice-chair on the committee on **education**.

Swaim of Davis was appointed vice-chair on the committee on **government oversight**.

Palmer of Mahaska replaced Ford of Polk on the committee on **government oversight**.

D. Olson of Boone replaced Whitead of Woodbury on the committee on **government oversight**.