

SENATE REPORTS RECEIVED AFTER ADJOURNMENT

The following is a record of Senate reports received after the close of the 2009 Regular Session.

BILLS REFERRED TO COMMITTEE FROM CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 4, the following bills remaining on the Senate Calendar upon adjournment of the 2009 session will be removed from the calendar and referred back to the committee to which they were originally assigned:

S.R. 14	Environment and Energy Independence
S.F. 155	Labor and Business Relations
S.F. 282	State Government
(with attached HF 777)	
S.F. 418	Human Resources
S.F. 444	Judiciary
(with attached HF 734)	
S.F. 463	Ways and Means
S.F. 468	Ways and Means
S.F. 485	Appropriations
H.F. 45	Human Resources
H.F. 571	Local Government
H.F. 713	Judiciary
H.F. 758	Judiciary

MICHAEL E. MARSHALL
Secretary of the Senate

FINAL DISPOSITION OF MOTION TO RECONSIDER

Pursuant to Senate Rule 24, the following motion to reconsider, which remained on the Senate Calendar upon the adjournment of the 2009 Regular Session of the Eighty-third General Assembly, was determined to have failed:

The motion to reconsider the vote by which Eugene Gessow, the governor's appointee to be Director of Human Services, failed to pass the Senate on April 15, 2009. (Motion to reconsider filed by Senator Gronstal on April 15, 2009.)

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 340](#), the following corrections were made:

1. Page 36, line 10: need a period after the "C" in U.S.C
2. Page 38, line 16: need a period after the "C" in U.S.C
3. Page 35, line 28: word "indicting" should be "indicating"

ALSO: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 344](#), the following correction was made:

1. Page 43, line 14: three spaces at end of sentence, with a space of extra striking at the beginning of a stricken sentence

ALSO: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 433](#), the following correction was made:

1. Page 4, line 34: "135.40A" was corrected to "135C.40A"

ALSO: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 472](#), the following correction was made:

1. Page 3, line 30: web site instead of website (one word, as is correct)

ALSO: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 449](#), the following corrections were made:

1. Page 27, line 17: strike through the end quotes after the word facility
2. Page 123, line 25: strike through the space between the words paragraph and "a"

ALSO: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 478](#), the following corrections were made:

1. Page 55, line 8: changed to "SEC. ___" as directed in [HF 809](#)
2. Page 95, line 3: text should be flush left
3. Page 71, line 3: removed the hyphen in "orally=administered"

ALSO: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 477](#), the following correction was made:

1. Page 13, line 12: the period was deleted after the word APPROPRIATION.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 376](#), the following correction was made:

1. Page 46, line 6: the number 16 in the Sec. 33 lead-in should be in parentheses.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 26th day of April, 2009:

Senate Files [151](#), [152](#), [176](#), [186](#), [224](#), [226](#), [236](#), [254](#), [291](#), [304](#), [340](#), [344](#), [356](#), [366](#), [372](#), [374](#), [376](#), [377](#), [379](#), [389](#), [403](#), [405](#), [415](#), [419](#), [423](#), [430](#), [432](#), [433](#), [435](#), [436](#), [437](#), [438](#), [449](#), [451](#), [452](#), [457](#), [465](#), [467](#), [469](#), [470](#), [471](#), [472](#), [474](#), [475](#), [476](#), [477](#), [478](#), [480](#), [481](#), [482](#), [483](#), and [484](#).

MICHAEL E. MARSHALL
Secretary of the Senate

**SENATE BILLS APPROVED, ITEM VETOED, AND
VETOED AFTER ADJOURNMENT**

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2009 Regular Session:

SENATE BILLS APPROVED

[Senate File 137](#) – Providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy. Approved April 28, 2009.

[Senate File 151](#) – Relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund. Approved May 4, 2009.

[Senate File 152](#) – Relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law. Approved May 22, 2009.

[Senate File 176](#) – Allowing the waiver of certain administrative penalties for late annual reports concerning cemetery and funeral merchandise, and funeral services, upon a showing of good cause or financial hardship and providing an immediate effective date. Approved May 18, 2009.

[Senate File 186](#) – Concerning preferential hiring treatment by government for veterans. Approved May 26, 2009.

[Senate File 224](#) – Relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision. Approved May 26, 2009.

[Senate File 226](#) – Concerning the statewide fire and police retirement system by establishing a presumption that cancer and infectious diseases are work-related for purposes of disability and death benefits and by increasing the contribution rate. Approved May 8, 2009.

[Senate File 236](#) – Relating to psychiatric medical institution for children services and providing an effective date. Approved May 22, 2009.

[Senate File 254](#) – Requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs. Approved May 22, 2009.

[Senate File 291](#) – Providing for the recognition and promotion of certified retirement communities. Approved May 26, 2009.

[Senate File 304](#) – Relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program. Approved May 18, 2009.

[Senate File 340](#) – Relating to the sex offender registry, making fees applicable, and providing for penalties. Approved May 21, 2009.

[Senate File 342](#) – Relating to boards of directors associated with organizations promoting soybeans and corn. Approved April 27, 2009.

[Senate File 344](#) – Relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program. Approved May 22, 2009.

[Senate File 356](#) – Relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national. Approved May 22, 2009.

[Senate File 366](#) – Relating to the emancipation of a minor and family in need of assistance proceedings. Approved May 26, 2009.

[Senate File 372](#) – Requesting the establishment of a statewide broadband policy development interim study committee. Approved May 22, 2009.

[Senate File 374](#) – Concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable. Approved May 22, 2009.

[Senate File 376](#) – Creating an Iowa jobs program, an Iowa jobs board, and Iowa jobs fund, authorizing the issuance of bonds, including the issuance of tax-exempt bonds, making and revising appropriations, and providing an effective date. Approved May 14, 2009.

[Senate File 377](#) – Relating to the prescription drug donation repository program. Approved May 22, 2009.

[Senate File 379](#) – Relating to the use of insurance loss history in the issuance of dramshop liability insurance. Approved May 22, 2009.

[Senate File 389](#) – Relating to health care, health care providers, and health care coverage, providing retroactive and other effective dates and providing repeals. Approved May 19, 2009.

[Senate File 403](#) – Concerning the sale of beer by native wineries. Approved May 18, 2009.

[Senate File 405](#) – Providing for the disposal of dead animal bodies by persons, including individuals practicing veterinary medicine, and making penalties applicable. Approved May 26, 2009.

[Senate File 415](#) – Relating to the acquisition of title to disaster-affected abandoned property by cities in certain years and authorizing cities to establish a property rights defense account. Approved May 22, 2009.

[Senate File 419](#) – Relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates. Approved May 22, 2009.

[Senate File 423](#) – Providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment. Approved May 18, 2009.

[Senate File 430](#) – Relating to appointments to statutory boards, commissions, councils, and committees that involve the general assembly, and including effective date and applicability provisions. Approved May 18, 2009.

[Senate File 432](#) – Regulating animal feeding operations, making penalties applicable, and providing for penalties and effective dates. Approved May 26, 2009.

[Senate File 433](#) – Relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties. Approved May 26, 2009.

[Senate File 435](#) – Relating to the entry upon land by a surveyor for land survey purposes. Approved May 26, 2009.

[Senate File 436](#) – Relating to observers at satellite absentee voting stations. Approved May 22, 2009.

[Senate File 437](#) – Relating to the activities of governmental entities by amending provisions relating to public access to meetings and records and by modifying provisions relating to cemeteries under the control of certain governmental entities. Approved May 22, 2009.

[Senate File 438](#) – Relating to actions injurious to dependent adults and providing penalties. Approved May 18, 2009.

[Senate File 449](#) – Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions. Approved May 22, 2009.

[Senate File 451](#) – Relating to the definition of resident for purposes of undergraduate tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges. Approved May 26, 2009.

[Senate File 452](#) – Directing the office of energy independence to establish a community grant program for energy efficiency projects, and allocating appropriated amounts for purposes of funding the program. Approved May 22, 2009.

[Senate File 457](#) – Relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, providing income tax credits for certain disaster recovery housing projects, and including effective date and retroactive applicability date provisions. Approved May 12, 2009.

[Senate File 465](#) – Relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system. Approved May 26, 2009.

[Senate File 471](#) – Relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund to fund tax credits for innovative renewable energy generation components, transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, providing transition provisions relating to the transfer of authority, and providing an effective date. Approved May 18, 2009.

[Senate File 472](#) – Relating to and making appropriations to the judicial branch, and providing an effective date. Approved May 4, 2009.

[Senate File 474](#) – Relating to the bonding authorization of the state board of regents for buildings and facilities including bonding for flood repair, restoration, replacement, and mitigation at the state university of Iowa. Approved May 14, 2009.

[Senate File 476](#) – Relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates. Approved May 26, 2009.

[Senate File 477](#) – Authorizing the treasurer of state to issue annual appropriation bonds, and creating an annual appropriation bonds debt service fund, an appropriation bonds capitals fund, a vertical infrastructure restricted capitals fund, making appropriations, and including an applicability provision. Approved May 14, 2009.

[Senate File 480](#) – Relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision. Approved May 18, 2009.

[Senate File 481](#) – Relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs. Approved May 4, 2009.

[Senate File 482](#) – Relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates. Approved May 26, 2009.

[Senate File 483](#) – Relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets transfer agreements, eliminating the carryback of net operating losses, and including retroactive applicability date and other applicability date provisions. Approved May 22, 2009.

[Senate File 484](#) – Relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty. Approved May 22, 2009.

GOVERNOR'S ITEM VETO MESSAGES

[Senate File 467](#)

May 26, 2009

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

Dear Mr. Secretary:

I hereby transmit [Senate File 467](#), an Act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing for effective dates. [Senate File 467](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Division VI of this bill in its entirety. Division VI of the bill directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be

allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this division and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been consistently required by the Legislature for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I disapprove the item designated as Section 23 of this bill in its entirety. Section 23 delays the implementation date of the requirement to begin having septic tanks inspected at the time of property transfer from July 1, 2009 to July 1, 2010. With over 550 unsewered communities and over 100,000 leaking and/or malfunctioning septic systems in Iowa, this language is inconsistent with the objective of [Senate File 261](#) that I signed last year to protect and improve water quality and to assure home buyers that they are purchasing a property that has a functioning septic tank. Importantly, we now have funds available through the IJOBS Program that I proposed for helping unsewered communities, and as July 1, 2009, over 200 inspectors will be certified to inspect septic tanks.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 467](#) are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

[Senate File 469](#)

May 26, 2009

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

Dear Mr. Secretary:

I hereby transmit [Senate File 469](#), an Act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters. [Senate File 469](#) is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 25 in its entirety. Section 25 of the bill directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed for

actual expenses, this language would be particularly difficult to administer because similar language has not been included for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

For the above reasons, I respectfully disapprove of the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 469](#) are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

[Senate File 470](#)

May 26, 2009

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

Dear Mr. Secretary:

I hereby transmit [Senate File 470](#), an Act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates. [Senate File 470](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 13, subsection 3 of the bill. This item directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been included for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve Section 29 in its entirety. Section 29 creates a new Code Chapter, 261D.4 Provisional Withdrawal from Compact. The language authorizes the State of Iowa's withdrawal from the Midwestern Higher Education Compact effective July 1, 2009. While I appreciate that this language in Section 29 was developed as a cost-savings measure to save the state the cost of the annual membership in the Compact, such a temporary withdrawal from the Compact would violate the terms of

the Compact in Iowa Code Chapter 261D. Additionally, Iowa state and local governments and school districts have saved over \$547,000 through group purchasing opportunities provided by Midwestern Higher Education Compact. The Board of Regents has committed to find the necessary funding in FY 2010 to continue Iowa's membership in the Compact.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 470](#) are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

[Senate File 475](#)

May 26, 2009

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

Dear Mr. Secretary:

I hereby transmit [Senate File 475](#), an Act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions. [Senate File 475](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 5 in its entirety. Subsection 5 calls for the Department of Corrections to eliminate the chief security officer position by June 30, 2011. My Administration last year made establishment of this position a high priority in order to maintain consistent security procedures and policies within the Department of Corrections. I disapprove this language because it infringes upon the Executive Branch authority to staff this much-needed position.

I am unable to approve the item designated as Section 5, subsection 6 in its entirety. This provision would require all Community Based Correctional (CBC) Facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language because it would cause each CBC facility to lose control of the types and number of offenders whom they serve in their residential program.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 475](#) are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

[Senate File 475](#)

May 26, 2009

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

Dear Mr. Secretary:

I hereby transmit [Senate File 478](#), an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters and including effective date and retroactive and other applicability provisions. [Senate File 478](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 21 of [Senate File 478](#) in its entirety because this section requires the Department of Administrative Services to perform a job evaluation study of state employees for the purpose of determining whether the job classifications and pay grade levels are properly determined. The Department is to perform this study by randomly selecting state employees but was given no additional funding for such a study. Currently, the Department has in place a system of review to determine if an employee is properly classified, in which an employee can make a request for such a review. Pay grade reviews are handled through the collective bargaining process and should not be included in a random survey.

I am unable to approve the designated portions of lettered paragraph c and numbered paragraph 3 of Section 27 of [Senate File 478](#) in their entirety. Lettered paragraph c requires notification of the Legislative Council before any reduction is made of supervisory positions. This notification has not been required before and is an imposition upon Executive Branch functions. Numbered paragraph 3 requires the Department of Management to report on out-of-state travel. The Legislative Services Agency has access to all of the accounting data that flows through centralized accounting, Executive Council minutes, along with the power to request additional information from those agencies that do not use centralized accounting and; therefore, should be able to generate the type of reports asked for in this section. Further, while I agree that in difficult economic times special attention should be given to the issue of eliminating unnecessary travel, I am approaching this issue in a matter that differs from the approach taken in this section. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve Section 78 of [Senate File 478](#) in its entirety. This section provides that a person whose license has been revoked for an operating while intoxicated (OWI) test failure after a prior OWI revocation for one year may apply after 45 days for a temporary restricted license to be issued by the Court. It is my understanding that this language was based on earlier information from the Iowa

Department of Transportation that it would be in compliance with federal requirements. Further review now shows that this section will threaten the state's compliance with federal requirements for repeat offender laws.

I am unable to approve Section 134 of this bill in its entirety. This language would eliminate the tax credit to employers for purchasing assistive technology that allows them to employ persons with disabilities. This is not the time during this economic downturn to eliminate assistance for helping employers hire persons with disabilities, and I strongly encourage employers to use this tax credit.

I am unable to approve the designated portion of the first sentence of Section 232, numbered paragraph 6, the designated portion of the first sentence of Section 233, numbered paragraph 6 and the designated portion of the first sentence of Section 234, lettered paragraph h of [Senate File 478](#). These sections require the Department of Revenue to issue an annual report naming claimants of the research activities tax credit that receive refunds in amounts that exceed \$500,000. I strongly support transparency in government and understand the worthy intent of this provision, but I am concerned that the requirement that would have applied retroactively to tax returns filed on or after January 1, 2009 might be questionably written, might arguably affect taxpayers' due process rights and might, therefore, have opened the way to a lengthy court challenge. Because this is a retroactive tax reporting change, I cannot let such an alteration in longstanding tax policy affect taxpayers that have already legally filed tax returns. Therefore, I am unable to approve the retroactive language.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 478](#) are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor