

MAY 2 2006

APPROPRIATIONS CALENDAR

HOUSE FILE 2797

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 6681YC)

Passed House, Date 5-2-06 Passed Senate, Date 5/3/06
 Vote: Ayes 91 Nays 3 Vote: Ayes 47 Nays 2
 Approved June 2, 2006

A BILL FOR

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

HF 2797

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DIVISION I

MH/MR/DD ALLOWED GROWTH FUNDING

Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ALLOCATIONS -- FISCAL YEAR 2007-2008.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment, as provided in this section in lieu of the provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

..... \$ 43,287,141

2. The funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2007-2008, and is allocated as follows:

a. For distribution to counties for fiscal year 2007-2008 in accordance with the formula in section 331.438, subsection 2, paragraph "b":

..... \$ 12,000,000

b. For deposit in the per capita expenditure target pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:

..... \$ 24,360,548

c. For deposit in the risk pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 2:

..... \$ 2,000,000

d. For expansion of services to persons with brain injury in accordance with the law enacted by the Eighty-first General Assembly, 2006 Session, as law providing for such expansion of services to commence in the fiscal year beginning July 1,

1 2006:

2 \$ 4,926,593

3 If 2006 Iowa Acts, House File 2772, is enacted by the
4 Eighty-first General Assembly, 2006 Session, the allocation
5 made in this lettered paragraph shall be transferred to the
6 Iowa department of public health to be used for the brain
7 injury services program created pursuant to that Act.

8 DIVISION II

9 STANDING APPROPRIATIONS

10 AND REVENUE ESTIMATE

11 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2007-2008.

12 1. For the budget process applicable to the fiscal year
13 beginning July 1, 2007, on or before October 1, 2006, in lieu
14 of the information specified in section 8.23, subsection 1,
15 unnumbered paragraph 1, and paragraph "a", all departments and
16 establishments of the government shall transmit to the
17 director of the department of management, on blanks to be
18 furnished by the director, estimates of their expenditure
19 requirements, including every proposed expenditure, for the
20 ensuing fiscal year, together with supporting data and
21 explanations as called for by the director of the department
22 of management after consultation with the legislative services
23 agency.

24 2. The estimates of expenditure requirements shall be in a
25 form specified by the director of the department of
26 management, and the expenditure requirements shall include all
27 proposed expenditures and shall be prioritized by program or
28 the results to be achieved. The estimates shall be
29 accompanied by performance measures for evaluating the
30 effectiveness of the programs or results.

31 Sec. 3. GENERAL ASSEMBLY. The appropriations made
32 pursuant to section 2.12 for the expenses of the general
33 assembly and legislative agencies for the fiscal year
34 beginning July 1, 2006, and ending June 30, 2007, are reduced
35 by the following amount:

1 \$ 1,267,106

2 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.

3 Notwithstanding the standing appropriations in the following
4 designated sections for the fiscal year beginning July 1,
5 2006, and ending June 30, 2007, the amounts appropriated from
6 the general fund of the state pursuant to those sections for
7 the following designated purposes shall not exceed the
8 following amounts:

9 1. For substance abuse treatment and prevention under
10 section 123.53, subsection 3:

11 \$ 0

12 2. For instructional support state aid under section
13 257.20:

14 \$ 14,428,271

15 3. For at-risk children programs under section 279.51,
16 subsection 1:

17 \$ 11,271,000

18 The amount of any reduction in this subsection shall be
19 prorated among the programs specified in section 279.51,
20 subsection 1, paragraphs "a", "b", and "c".

21 4. For payment for nonpublic school transportation under
22 section 285.2:

23 \$ 8,604,714

24 If total approved claims for reimbursement for nonpublic
25 school pupil transportation claims exceed the amount
26 appropriated in this section, the department of education
27 shall prorate the amount of each claim.

28 5. For the educational excellence program under section
29 294A.25, subsection 1:

30 \$ 55,469,053

31 6. For the state's share of the cost of the peace
32 officers' retirement benefits under section 411.20:

33 \$ 2,745,784

34 Sec. 5. PROPERTY TAX CREDIT FUND -- PAYMENTS IN LIEU OF
35 GENERAL FUND REIMBURSEMENT.

1 1. Notwithstanding section 8.57, prior to the
2 appropriation and distribution to the senior living trust fund
3 and the cash reserve fund of the surplus existing in the
4 general fund of the state at the conclusion of the fiscal year
5 beginning July 1, 2005, and ending June 30, 2006, pursuant to
6 section 8.57, subsections 1 and 2, of that surplus,
7 \$159,868,964 is appropriated to the property tax credit fund
8 which shall be created in the office of the treasurer of state
9 to be used for the purposes of this section.

10 2. Notwithstanding the amount of the standing
11 appropriation from the general fund of the state in the
12 following designated sections and notwithstanding any
13 conflicting provisions or voting requirements of section 8.56,
14 there is appropriated from the property tax credit fund in
15 lieu of the appropriations in the following designated
16 sections for the fiscal year beginning July 1, 2006, and
17 ending June 30, 2007, the following amounts for the following
18 designated purposes:

- 19 a. For reimbursement for the homestead property tax credit
20 under section 425.1:
21 \$102,945,379
- 22 b. For reimbursement for the agricultural land and family
23 farm tax credits under sections 425A.1 and 426.1:
24 \$ 34,610,183
- 25 c. For reimbursement for the military service tax credit
26 under section 426A.1A:
27 \$ 2,773,402
- 28 d. For implementing the elderly and disabled tax credit
29 and reimbursement pursuant to sections 425.16 through 425.40:
30 \$ 19,540,000

31 If the director of revenue determines that the amount of
32 claims for credit for property taxes due plus the amount of
33 claims for reimbursement for rent constituting property taxes
34 paid which are to be paid during the fiscal year may exceed
35 the amount appropriated, the director shall estimate the

1 percentage of the credits and reimbursements which will be
2 funded by the appropriation. The county treasurer shall
3 notify the director of the amount of property tax credits
4 claimed by June 8, 2006. The director shall estimate the
5 percentage of the property tax credit and rent reimbursement
6 claims that will be funded by the appropriation and notify the
7 county treasurer of the percentage estimate by June 15, 2006.
8 The estimated percentage shall be used in computing for each
9 claim the amount of property tax credit and reimbursement for
10 rent constituting property taxes paid for that fiscal year.
11 If the director overestimates the percentage of funding,
12 claims for reimbursement for rent constituting property taxes
13 paid shall be paid until they can no longer be paid at the
14 estimated percentage of funding. Rent reimbursement claims
15 filed after that point in time shall receive priority and
16 shall be paid in the following fiscal year. If the director
17 underestimates the percentage of funding, the overage shall
18 remain in the fund established in section 425.39 for payments
19 to be made in the next fiscal year.

20 Sec. 6. Section 257.35, subsection 4, Code Supplement
21 2005, is amended to read as follows:

22 4. Notwithstanding subsection 1, and in addition to the
23 reduction applicable pursuant to subsection 2, the state aid
24 for area education agencies and the portion of the combined
25 district cost calculated for these agencies for the fiscal
26 year beginning July 1, ~~2005~~ 2006, shall be reduced by the
27 department of management by ~~eleven eight~~ million ~~seven-hundred~~
28 ~~ninety-eight-thousand-seven-hundred-three~~ dollars. The
29 reduction for each area education agency shall be ~~equal-to~~
30 prorated based on the reduction that the agency received in
31 the fiscal year beginning July 1, 2003.

32 Sec. 7. 2005 Iowa Acts, chapter 179, section 7, is amended
33 to read as follows:

34 SEC. 7. CASH RESERVE APPROPRIATION FOR FY 2005-2006. For
35 the fiscal year beginning July 1, 2005, and ending June 30,

1 2006, the appropriation to the cash reserve fund provided in
2 section 8.57, subsection 1, paragraph "a", shall not be made.
3 ~~However, any surplus in the general fund of the state for the~~
4 ~~fiscal year beginning July 1, 2005, and ending June 30, 2006,~~
5 ~~shall be transferred to the cash reserve fund.~~

6 Sec. 8. CASH RESERVE APPROPRIATION FOR FY 2006-2007. For
7 the fiscal year beginning July 1, 2006, and ending June 30,
8 2007, the appropriation to the cash reserve fund provided in
9 section 8.57, subsection 1, paragraph "a", shall not be made.

10 Sec. 9. MARCH 24, 2006, REVENUE ESTIMATE. For use by the
11 general assembly in the budget process and the governor's
12 approval or disapproval of the appropriations bills for the
13 fiscal year beginning July 1, 2006, and for purposes of
14 calculating the state general fund expenditure limitation
15 pursuant to section 8.54 for the fiscal year beginning July 1,
16 2006, the revenue estimate for the fiscal year beginning July
17 1, 2006, that shall be used in the budget process and such
18 calculation shall be the revenue estimate determined by the
19 revenue estimating conference on March 24, 2006,
20 notwithstanding the provision in section 8.22A, subsection 3,
21 that disallows the use of a revenue estimate agreed to at a
22 later meeting that projects a greater amount than the initial
23 estimated amount agreed to in December 2005. This section
24 also authorizes the use of the estimated revenue figures for
25 the purposes or sources designated in section 8.22A,
26 subsection 5.

27 Sec. 10. EFFECTIVE AND APPLICABILITY DATES.

28 1. The section of this division of this Act creating the
29 property tax credit fund, being deemed of immediate
30 importance, takes effect upon enactment.

31 2. The section of this division of this Act relating to
32 the use of the March 24, 2006, revenue estimate, being deemed
33 of immediate importance, takes effect upon enactment and
34 applies retroactively to January 9, 2006.

35 3. The section of this division of this Act amending 2005

1 Iowa Acts, chapter 179, section 7, being deemed of immediate
2 importance, takes effect upon enactment.

3

DIVISION III

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SALARIES, COMPENSATION, AND RELATED MATTERS

5

Sec. 11. STATE COURTS -- JUSTICES, JUDGES, AND

6

MAGISTRATES.

7 1. The salary rates specified in subsection 2 are for the
8 fiscal year beginning July 1, 2006, effective for the pay
9 period beginning June 30, 2006, and for subsequent fiscal
10 years until otherwise provided by the general assembly. The
11 salaries provided for in this section shall be paid from funds
12 appropriated to the judicial branch from the salary adjustment
13 fund or if the appropriation is not sufficient, from funds
14 appropriated to the judicial branch pursuant to any Act of the
15 general assembly.

16 2. The following annual salary rates shall be paid to the
17 persons holding the judicial positions indicated during the
18 fiscal year beginning July 1, 2006, effective with the pay
19 period beginning June 30, 2006, and for subsequent pay
20 periods.

| | | |
|----|--|------------|
| 21 | a. Chief justice of the supreme court: | |
| 22 | ..... | \$ 150,110 |
| 23 | b. Each justice of the supreme court: | |
| 24 | ..... | \$ 144,000 |
| 25 | c. Chief judge of the court of appeals: | |
| 26 | ..... | \$ 138,960 |
| 27 | d. Each associate judge of the court of appeals: | |
| 28 | ..... | \$ 134,060 |
| 29 | e. Each chief judge of a judicial district: | |
| 30 | ..... | \$ 131,000 |
| 31 | f. Each district judge except the chief judge of a | |
| 32 | judicial district: | |
| 33 | ..... | \$ 126,020 |
| 34 | g. Each district associate judge: | |
| 35 | ..... | \$ 111,000 |

| | | | |
|---|-----------------------------------|----|---------|
| 1 | h. Each associate juvenile judge: | | |
| 2 | ..... | \$ | 111,000 |
| 3 | i. Each associate probate judge: | | |
| 4 | ..... | \$ | 111,000 |
| 5 | j. Each judicial magistrate: | | |
| 6 | ..... | \$ | 34,200 |
| 7 | k. Each senior judge: | | |
| 8 | ..... | \$ | 7,100 |

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

12 Sec. 12. APPOINTED STATE OFFICERS. Notwithstanding
13 section 20.5, subsection 3, the governor shall establish a
14 salary for appointed nonelected persons in the executive
15 branch of state government holding a position enumerated in
16 the section of this division of this Act that addresses the
17 salary ranges of state officers within the range provided, by
18 considering, among other items, the experience of the
19 individual in the position, changes in the duties of the
20 position, the incumbent's performance of assigned duties, and
21 subordinates' salaries. However, the attorney general shall
22 establish the salary for the consumer advocate, the chief
23 justice of the supreme court shall establish the salary for
24 the state court administrator, the Iowa public broadcasting
25 board shall establish the salary for the administrator of the
26 public broadcasting division of the department of education,
27 the ethics and campaign disclosure board shall establish the
28 salary of the executive director, and the state fair board
29 shall establish the salary of the secretary of the state fair
30 board, each within the salary range provided in the section of
31 this division of this Act that addresses the salary ranges of
32 state officers.

33 The governor, in establishing salaries as provided in the
34 section of this division of this Act that addresses the salary
35 ranges of state officers, shall take into consideration other

1 employee benefits which may be provided for an individual
2 including but not limited to housing.

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

14 Sec. 13. SALARY RANGE -- STATE OFFICERS. The following
15 annual salary ranges are effective for the positions specified
16 in this section for the fiscal year beginning July 1, 2006,
17 and for subsequent fiscal years until otherwise provided by
18 the general assembly. The governor or other person designated
19 in the section of this division of this Act relating to
20 appointed state officers shall determine the salary to be paid
21 to the person indicated at a rate within this salary range
22 from funds appropriated by the general assembly for that
23 purpose.

24 1. The following are salary ranges for state officers for
25 the fiscal year beginning July 1, 2006, effective with the pay
26 period beginning June 30, 2006:

| 27 SALARY RANGE | <u>Minimum</u> | <u>Maximum</u> |
|---------------------|----------------|----------------|
| 28 a. Range 1 | \$ 8,800 | \$ 34,430 |
| 29 b. Range 2 | \$ 45,395 | \$ 69,460 |
| 30 c. Range 3 | \$ 52,210 | \$ 79,880 |
| 31 d. Range 4 | \$ 60,040 | \$ 91,860 |
| 32 e. Range 5 | \$ 69,045 | \$105,640 |
| 33 f. Range 6 | \$ 79,405 | \$121,490 |
| 34 g. Range 7 | \$ 95,055 | \$145,430 |

35 2. The following are range 1 positions: There are no

1 range 1 positions for the fiscal year beginning July 1, 2006.

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

10 4. The following are range 3 positions: administrator of
11 the division of criminal and juvenile justice planning of the
12 department of human rights, administrator of the division of
13 community action agencies of the department of human rights,
14 executive director of the department of veterans affairs, and
15 chairperson and members of the employment appeal board of the
16 department of inspections and appeals.

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

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

34 7. The following are range 6 positions: administrator of
35 the alcoholic beverages division of the department of

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

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

26 Sec. 14. COLLECTIVE BARGAINING AGREEMENTS FUNDED --
27 GENERAL FUND. There is appropriated from the general fund of
28 the state to the salary adjustment fund for distribution by
29 the department of management to the various state departments,
30 boards, commissions, councils, and agencies, excluding the
31 state board of regents, for the fiscal year beginning July 1,
32 2006, and ending June 30, 2007, the amount of \$29,000,000, or
33 so much thereof as may be necessary, to fully fund annual pay
34 adjustments, expense reimbursements, and related benefits
35 implemented pursuant to the following:

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

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

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

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

11 5. The collective bargaining agreement negotiated pursuant
12 to chapter 20 for employees in the clerical bargaining unit.

13 6. The collective bargaining agreement negotiated pursuant
14 to chapter 20 for employees in the professional social
15 services bargaining unit.

16 7. The collective bargaining agreement negotiated pursuant
17 to chapter 20 for employees in the community-based corrections
18 bargaining unit.

19 8. The collective bargaining agreements negotiated
20 pursuant to chapter 20 for employees in the judicial branch of
21 government bargaining units.

22 9. The collective bargaining agreement negotiated pursuant
23 to chapter 20 for employees in the patient care bargaining
24 unit.

25 10. The collective bargaining agreement negotiated
26 pursuant to chapter 20 for employees in the science bargaining
27 unit.

28 11. The annual pay adjustments, related benefits, and
29 expense reimbursements referred to in the section of this
30 division of this Act addressing noncontract state employees
31 not covered by a collective bargaining agreement.

32 **Sec. 15. NONCONTRACT STATE EMPLOYEES -- GENERAL.**

33 1. a. For the fiscal year beginning July 1, 2006, the
34 maximum salary levels of all pay plans provided for in section
35 8A.413, subsection 2, as they exist for the fiscal year ending

1 June 30, 2006, shall be increased by 2 percent for the pay
2 period beginning June 30, 2006, and any additional changes in
3 the pay plans shall be approved by the governor.

4 b. For the fiscal year beginning July 1, 2006, employees
5 may receive a step increase or the equivalent of a step
6 increase.

7 2. The pay plans for state employees who are exempt from
8 chapter 8A, subchapter IV, and who are included in the
9 department of administrative service's centralized payroll
10 system shall be increased in the same manner as provided in
11 subsection 1, and any additional changes in any executive
12 branch pay plans shall be approved by the governor.

13 3. This section does not apply to members of the general
14 assembly, board members, commission members, salaries of
15 persons set by the general assembly pursuant to this division
16 of this Act or set by the governor, other persons designated
17 in the section of this division of this Act addressing
18 appointed state officers, employees designated under section
19 8A.412, subsection 5, and employees covered by 11 IAC 53.6(3).

20 4. The pay plans for the bargaining eligible employees of
21 the state shall be increased in the same manner as provided in
22 subsection 1, and any additional changes in such executive
23 branch pay plans shall be approved by the governor. As used
24 in this section, "bargaining eligible employee" means an
25 employee who is eligible to organize under chapter 20, but has
26 not done so.

27 5. The policies for implementation of this section shall
28 be approved by the governor.

29 Sec. 16. APPROPRIATIONS FROM ROAD FUNDS.

30 1. There is appropriated from the road use tax fund to the
31 salary adjustment fund for the fiscal year beginning July 1,
32 2006, and ending June 30, 2007, the following amount, or so
33 much thereof as may be necessary, to be used for the purpose
34 designated:

35 To supplement other funds appropriated by the general

1 assembly:

2 \$ 1,416,695

3 2. There is appropriated from the primary road fund to the
4 salary adjustment fund, for the fiscal year beginning July 1,
5 2006, and ending June 30, 2007, the following amount, or so
6 much thereof as may be necessary, to be used for the purpose
7 designated:

8 To supplement other funds appropriated by the general
9 assembly:

10 \$ 9,593,363

11 3. Except as otherwise provided in this division of this
12 Act, the amounts appropriated in subsections 1 and 2 shall be
13 used to fund the annual pay adjustments, expense
14 reimbursements, and related benefits for public employees as
15 provided in this division of this Act.

16 Sec. 17. SPECIAL FUNDS -- AUTHORIZATION. To departmental
17 revolving, trust, or special funds, except for the primary
18 road fund or the road use tax fund, for which the general
19 assembly has established an operating budget, a supplemental
20 expenditure authorization is provided, unless otherwise
21 provided, in an amount necessary to fund salary adjustments as
22 otherwise provided in this division of this Act.

23 Sec. 18. GENERAL FUND SALARY MONEYS. Funds appropriated
24 for distribution from the salary adjustment fund in the
25 section of this division of this Act providing for funding of
26 collective bargaining agreements relate only to salaries
27 supported from general fund appropriations of the state except
28 for employees of the state board of regents.

29 Sec. 19. FEDERAL FUNDS APPROPRIATED. All federal grants
30 to and the federal receipts of the agencies affected by this
31 division of this Act which are received and may be expended
32 for purposes of this division of this Act are appropriated for
33 those purposes and as set forth in the federal grants or
34 receipts.

35 Sec. 20. STATE TROOPER MEAL ALLOWANCE. The sworn peace

1 officers in the department of public safety who are not
2 covered by a collective bargaining agreement negotiated
3 pursuant to chapter 20 shall receive the same per diem meal
4 allowance as the sworn peace officers in the department of
5 public safety who are covered by a collective bargaining
6 agreement negotiated pursuant to chapter 20.

7 Sec. 21. SICK LEAVE CONVERSION. It is the intent of the
8 general assembly that the sick leave conversion program under
9 the collective bargaining agreement that covers the greatest
10 number of state employees and that affects sick leave accrual
11 and allows sick leave conversion and use upon retirement for
12 payment of certain health insurance premiums shall be extended
13 to employees in the executive branch, excluding state board of
14 regents employees, not covered by a collective bargaining
15 agreement, consistent with any legislation enacted during the
16 2006 Regular Session of the general assembly providing for
17 such extension.

18 Sec. 22. Section 256.81, subsection 1, Code 2005, is
19 amended to read as follows:

20 1. The public broadcasting division of the department of
21 education is created. The chief administrative officer of the
22 division is the administrator who shall be appointed by and
23 serve at the pleasure of the Iowa public broadcasting board.
24 The governor board shall set the division administrator's
25 salary within the applicable salary range established by the
26 general assembly unless otherwise provided by law. Educational
27 programming shall be the highest priority of the division.
28 The director of the department of education and the state
29 board of education are not liable for the activities of the
30 division of public broadcasting.

31 Sec. 23. Section 256.82, subsection 1, unnumbered
32 paragraph 1, Code 2005, is amended to read as follows:

33 The Iowa public broadcasting board is created to plan,
34 establish, and operate educational radio and television
35 facilities and other telecommunications services ~~including~~

1 ~~narrowcast-and-broadcast-systems~~ to serve the educational
2 needs of the state. The board shall be composed of nine
3 members selected in the following manner:

4 Sec. 24. Section 256.82, subsection 1, paragraph a,
5 subparagraphs (1) and (2), Code 2005, are amended to read as
6 follows:

7 (1) One member shall be appointed from the business
8 community other than ~~the-commercial-broadcasting-industry-and~~
9 the television and telecommunications industry.

10 (2) One member shall be appointed ~~from-the-commercial~~
11 broadcast with experience in or knowledge about the television
12 industry.

13 Sec. 25. Section 256.82, subsection 1, paragraph b,
14 subparagraph (4), Code 2005, is amended to read as follows:

15 (4) One member ~~who-is-knowledgeable-about~~
16 telecommunications shall be appointed by the state board of
17 regents.

18 Sec. 26. Section 256.84, subsections 1 and 2, Code 2005,
19 are amended to read as follows:

20 1. The board may purchase, lease, and improve property,
21 equipment, and services for educational telecommunications
22 including the broadcast and narrowcast systems, and may
23 dispose of property and equipment when not necessary for its
24 purposes. ~~The-board-and-division-administrator-may-arrange~~
25 for-joint-use-of-available-services-and-facilities.

26 2. The board shall apply for channels, frequencies,
27 licenses, and permits, and other authorizations as necessary
28 for the performance of the board's duties.

29 Sec. 27. Section 256.84, subsection 5, Code 2005, is
30 amended by striking the subsection.

31 Sec. 28. Section 256.84, Code 2005, is amended by adding
32 the following new subsections:

33 NEW SUBSECTION. 11. To preserve the integrity of its
34 editorial processes, the board may select programming, content
35 partners, and other authorized contractual services without

1 using a competitive selection process or performance measures
2 that may otherwise be required by law for such services. For
3 purposes of this subsection, authorized contractual services
4 are those services related, directly or indirectly, to the
5 development of program production and instructional and
6 educational media. Authorized contractual services include
7 but are not limited to on-air performers, producers or
8 directors, field producers, writers, production assistants,
9 manual laborers, mobile unit services, closed captioning
10 services, duplication of tape services, and satellite
11 services.

12 NEW SUBSECTION. 12. The board shall approve for
13 submission the annual budget request and any supplementary
14 budget request for the public broadcasting division of the
15 department of education.

16 Sec. 29. Section 256.85, Code 2005, is amended to read as
17 follows:

18 256.85 PURCHASE OF ENERGY EFFICIENCY PACKAGES.

19 The public broadcasting division of the department of
20 education may use the state of Iowa facilities improvement
21 corporation to purchase energy efficiency packages ~~for-its~~
22 ~~ultrahigh-frequency-transmitters.~~

23 Sec. 30. Section 421.1A, subsection 6, Code Supplement
24 2005, is amended to read as follows:

25 6. The members of the property assessment appeal board
26 shall receive compensation from the state commensurate with
27 the salary of a district judge. The members of the board
28 shall ~~not~~ be considered state employees for purposes of salary
29 and benefits. The members of the board and any employees of
30 the board, when required to travel in the discharge of
31 official duties, shall be paid their actual and necessary
32 expenses incurred in the performance of duties.

33 Sec. 31. Section 256.89, Code 2005, is repealed.

34

DIVISION IV

35

OTHER APPROPRIATIONS

AND RELATED MATTERS

Sec. 32. ARTS EDUCATION AND ENRICHMENT PROGRAMMING.

1
2
3 1. There is appropriated from the general fund of the
4 state to the department of cultural affairs for the fiscal
5 year beginning July 1, 2006, and ending June 30, 2007, the
6 following amount, or so much thereof as is necessary, to be
7 used for the purposes designated:

8 For a study of arts education and enrichment programming
9 for school age children in accordance with this section:

10 \$ 5,000

11 2. a. The department shall conduct a study of arts
12 education and enrichment programming for school age children
13 to evaluate the status of arts education and enrichment
14 programming available to school age children in this state;
15 develop a strategy for greatly expanding the availability of
16 arts education and enrichment programming outside of school
17 settings; and identify curricula, model programs, best
18 practices, and other resources that may be used by programs
19 and persons in this state that provide arts education and
20 enrichment programming outside of school settings.

21 b. The department shall utilize a resource committee in
22 conducting the study. The committee membership may include
23 representatives of the departments of economic development,
24 education, and human services, the Iowa after school alliance,
25 the Iowa community education association, the Iowa library
26 association, legislators, art educators, artists and
27 performers, and others with relevant expertise.

28 c. The study may utilize regional forums through the Iowa
29 communications network and other approaches for securing
30 public input and discussion of the study topics.

31 d. The department shall report to the governor and general
32 assembly concerning the study with findings and
33 recommendations in December 2006.

34 Sec. 33. VETERANS TRUST FUND. There is appropriated from
35 the general fund of the state to the veterans trust fund for

1 the fiscal year beginning July 1, 2006, and ending June 30,
2 2007, the following amount:

3 \$ 4,500,000

4 Sec. 34. COUNTY GRANT PROGRAM FOR VETERANS --

5 APPROPRIATION. There is appropriated from the general fund of
6 the state to the department of veterans affairs, for the
7 fiscal year beginning July 1, 2006, and ending June 30, 2007,
8 the following amount, or so much thereof as is necessary, to
9 be used for the purpose designated:

10 For providing matching grants to counties to provide
11 improved services to veterans:

12 \$ 1,000,000

13 The department shall establish a grant application process
14 and shall require each county applying for a grant to submit a
15 plan for utilizing the grant to improve services for veterans.
16 The maximum matching grant to be awarded to a county shall be
17 \$10,000 and the amount awarded shall be matched on a dollar-
18 for-dollar basis by the county. Each county receiving a grant
19 shall submit a report to the department identifying the impact
20 of the grant on increasing services to veterans. The
21 department shall submit a report to the general assembly by
22 October 1, 2007, concerning the impact of the grant program on
23 increasing services to veterans.

24 Sec. 35. IOWA LAW ENFORCEMENT ACADEMY. There is
25 appropriated from the general fund of the state to the Iowa
26 law enforcement academy for the fiscal year beginning July 1,
27 2006, and ending June 30, 2007, the following amount, or so
28 much thereof as is necessary, to be used for the purpose
29 designated:

30 For the purchase of equipment and furnishings:

31 \$ 25,000

32 Sec. 36. GOVERNOR AND LIEUTENANT GOVERNOR. If 2006 Iowa
33 Acts, House File 2521, is enacted and provides for
34 appropriations from the general fund of the state to the
35 offices of the governor and lieutenant governor for the fiscal

1 year beginning July 1, 2006, and ending June 30, 2007, for the
2 following indicated purposes, those appropriations are
3 increased by the following amounts:

4 1. TERRACE HILL QUARTERS

5 For salaries, support, maintenance and miscellaneous
6 purposes for the governor's quarters at Terrace Hill:

7 \$ 22,676

8 2. NATIONAL GOVERNORS ASSOCIATION

9 For payment of Iowa's membership in the national governors
10 association:

11 \$ 16,207

12 Sec. 37. UPDATED MANURE MANAGEMENT PLANS. There is
13 appropriated from the manure storage indemnity fund created in
14 section 459.501 to the department of natural resources for the
15 fiscal year beginning July 1, 2006, and ending June 30, 2007,
16 the following amount, or so much thereof as is necessary, to
17 be used for the purpose designated:

18 For the department to modify its computer database in order
19 to provide documentation to persons required to submit updated
20 manure management plans and updated manure management plan
21 filing fees to the department pursuant to the schedules
22 provided in sections 459.312 and 459.400, if amended by the
23 Eighty-first General Assembly, 2006 Session:

24 \$ 80,000

25 As a condition of this appropriation, the department shall
26 repay the manure storage indemnity fund in four equal
27 installments by June 30 of each fiscal year for the fiscal
28 period beginning July 1, 2007, and ending June 30, 2011.

29 Sec. 38. REAL ESTATE EDUCATION PROGRAM. There is
30 appropriated from the general fund of the state to the state
31 board of regents for the fiscal year beginning July 1, 2007,
32 and ending June 30, 2008, the following amount, or so much
33 thereof as is necessary, to be used for the purpose
34 designated:

35 For allocation to the university of northern Iowa for the

1 real estate education program:

2 \$ 200,000

3 The appropriation made in this section is contingent upon
4 enactment of 2006 Iowa Acts, House File 2773, or other
5 enactment by the Eighty-first General Assembly, 2006 Session,
6 amending section 543B.54 to appropriate fees credited to the
7 Iowa real estate education fund to the real estate commission
8 in lieu of the state board of regents.

9 Sec. 39. STATE BOARD OF REGENTS -- GENERAL FUND ENDING
10 BALANCE.

11 1. Notwithstanding section 8.62, prior to the
12 appropriation of the surplus existing in the general fund of
13 the state at the conclusion of the fiscal year beginning July
14 1, 2005, pursuant to section 8.57, subsection 1, from
15 appropriations that remain unencumbered or unobligated and
16 would otherwise revert on August 31, 2006, pursuant to section
17 8.33, up to \$2,800,000 shall be transferred to the state board
18 of regents.

19 2. The transfer made in subsection 1 shall be distributed
20 to the state board of regents in the fiscal year beginning
21 July 1, 2006, to be used as additional funding for the fiscal
22 year beginning July 1, 2006, for the institutions under the
23 state board of regents.

24 Sec. 40. STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER
25 HERITAGE DIVISION. If 2006 Iowa Acts, House File 2521, is
26 enacted and provides for an appropriation from the general
27 fund of the state to the department of human rights for the
28 status of Iowans of Asian and Pacific islander heritage
29 division for the fiscal year beginning July 1, 2006, and
30 ending June 30, 2007, there is appropriated to supplement that
31 appropriation as follows:

32 For salaries, support, maintenance, and miscellaneous
33 purposes and for not more than the following full-time
34 equivalent position:

35 \$ 80,000

1 FTEs 1.00

2 Sec. 41. DEPARTMENT OF CULTURAL AFFAIRS. There is
3 appropriated from the general fund of the state to the
4 department of cultural affairs for the fiscal year beginning
5 July 1, 2006, and ending June 30, 2007, the following amounts,
6 or so much thereof as is necessary, to be used for the
7 purposes designated:

8 1. For the African-American historical museum and cultural
9 center of Iowa in Cedar Rapids:

10 \$ 85,000

11 2. For historical resource development program emergency
12 grants for qualified historic preservation projects in
13 gubernatorially declared natural disaster emergency areas in
14 Johnson county, notwithstanding section 303.16, subsection 6,
15 paragraph "d":

16 \$ 250,000

17 Sec. 42. DEPARTMENT OF JUSTICE. There is appropriated
18 from the general fund of the state to the department of
19 justice for the fiscal year beginning July 1, 2006, and ending
20 June 30, 2007, the following amount, or so much thereof as is
21 necessary, to be used for the purpose designated:

22 For the purpose of funding farm mediation services pursuant
23 to the farm assistance program created in sections 13.13
24 through 13.24:

25 \$ 100,000

26 Sec. 43. SUSTAINABLE NATURAL RESOURCE FUNDING
27 STUDY.

28 1. There is established a sustainable natural
29 resource funding advisory committee for the purpose of
30 studying how to provide a sustainable source or
31 sources of funding for natural resources needs in
32 Iowa. The department of natural resources shall
33 provide staffing for the advisory committee. The
34 following shall be members of the advisory committee:

35 a. One representative from the following

1 organizations or entities to be appointed by the
2 governor:

3 (1) Secretary of agriculture.

4 (2) Iowa natural heritage foundation.

5 (3) Ducks unlimited.

6 (4) Pheasants forever.

7 (5) Iowa association of county conservation

8 boards.

9 (6) Iowa farm bureau.

10 (7) Farmers union.

11 (8) The nature conservancy.

12 (9) Iowa environmental council.

13 (10) Iowa renewable fuels association.

14 b. The director of the department of natural
15 resources, who shall be the chairperson of the
16 advisory committee.

17 c. Two members of the senate, one of which is
18 appointed by the majority leader and one of which is
19 appointed by the minority leader.

20 d. Two members of the house of representatives,
21 one of which is appointed by the majority leader and
22 one of which is appointed by the minority leader.

23 2. The advisory committee shall submit a report to
24 the governor and the general assembly by January 10,
25 2007. The report shall contain but is not limited to
26 the following:

27 a. Information on what surrounding states have
28 done to provide sustainable funding for natural
29 resource conservation.

30 b. Outline of a conservation funding initiative
31 agree upon by the advisory committee.

32 c. Outline of the amount of revenue needed and
33 what would be accomplished if the conservation funding
34 initiative is implemented.

35 d. Analysis of Iowa's citizens' willingness to pay

1 for identified conservation funding initiative.

2 Sec. 44. 2001 Iowa Acts, chapter 174, section 1,
3 subsection 2, as amended by 2002 Iowa Acts, chapter 1174,
4 section 8, 2003 Iowa Acts, chapter 179, section 38, 2004 Iowa
5 Acts, chapter 1175, section 270, and 2005 Iowa Acts, chapter
6 179, section 23, is amended to read as follows:

7 2. There is appropriated from the general fund of the
8 state to the endowment for Iowa's health account of the
9 tobacco settlement trust fund created in section 12E.12, for
10 the designated fiscal years, the following amounts, to be used
11 for the purposes specified in section 12E.12 for the endowment
12 for Iowa's health account:

| | | |
|----|--------------------|--------------------------|
| 13 | FY 2001-2002 | \$ 7,248,000 |
| 14 | FY 2003-2004 | \$ 0 |
| 15 | FY 2004-2005 | \$ 0 |
| 16 | FY 2005-2006 | \$ 0 |
| 17 | FY 2006-2007 | \$ 17,773,000 |
| 18 | | <u>0</u> |

19 Sec. 45. Section 16.100, Code 2005, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 9. Notwithstanding any provision to the
22 contrary, all assets held in the housing improvement fund
23 shall be transferred to the housing trust fund created in
24 section 16.181. On and after July 1, 2006, any moneys or
25 assets received for deposit in the housing improvement fund
26 shall be transferred to the housing trust fund.

27 Sec. 46. NEW SECTION. 137F.3A MUNICIPAL CORPORATION
28 INSPECTIONS -- CONTINGENT APPROPRIATION.

29 1. If a municipal corporation operating pursuant to a
30 chapter 28E agreement with the department of inspections and
31 appeals to enforce this chapter and chapters 137C and 137D
32 either fails to renew the agreement effective after July 1,
33 2005, but before July 1, 2007, or discontinues prior to July
34 1, 2007, enforcement activities in one or more jurisdictions
35 during the agreement time frame, or the department of

1 inspections and appeals cancels an agreement prior to July 1,
2 2007, due to noncompliance with the terms of the agreement,
3 the department of inspections and appeals may employ
4 additional full-time equivalent positions for the fiscal years
5 ending prior to July 1, 2007, to enforce the provisions of the
6 chapters, with the approval of the department of management.
7 Before approval is given, the director of the department of
8 management shall determine that the expenses exceed the funds
9 budgeted by the general assembly for food inspections to the
10 department of inspections and appeals. The department of
11 inspections and appeals may hire no more than one full-time
12 equivalent position for each six hundred inspections required
13 pursuant to this chapter and chapters 137C and 137D.

14 2. Notwithstanding chapter 137D, and sections 137C.9 and
15 137F.6, if the conditions described in this section are met,
16 fees imposed pursuant to that chapter and those sections shall
17 be retained by and are appropriated to the department of
18 inspections and appeals for the fiscal years ending prior to
19 July 1, 2007, to provide for salaries, support, maintenance,
20 and miscellaneous purposes associated with the additional
21 inspections.

22 3. This section is repealed July 1, 2007.

23 Sec. 47. Section 256D.5, subsection 4, Code Supplement
24 2005, is amended to read as follows:

25 4. For each fiscal year of the fiscal period beginning
26 July 1, 2004, and ending June 30, ~~2006~~ 2007, the sum of
27 twenty-nine million two hundred fifty thousand dollars.

28 Sec. 48. 2005 Iowa Acts, chapter 175, section 4,
29 subsection 4, as enacted by 2006 Iowa Acts, House File 2080,
30 section 3, is amended by adding the following new paragraph:

31 NEW PARAGRAPH. c. Of the amount transferred pursuant to
32 this subsection, not more than \$50,000 shall be transferred to
33 the department of public defense to be used for the enduring
34 families program.

35 Sec. 49. REPORT. By October 1, 2009, the Iowa finance

1 authority shall submit a written report to the general
2 assembly regarding the status of the housing trust fund. The
3 report shall review the program and activities under the
4 program during the existence of the fund, an update on the
5 housing needs in the state, and any recommendations for
6 changes.

7 Sec. 50. HOUSING TRUST FUND. It is the intent of the
8 general assembly to make appropriations from the general fund
9 of the state to the housing trust fund created in section
10 16.181 for the designated fiscal years in the following
11 amounts:

| | | | |
|----|----|--------------------|--------------|
| 12 | 1. | FY 2007-2008 | \$ 2,000,000 |
| 13 | 2. | FY 2008-2009 | \$ 3,000,000 |
| 14 | 3. | FY 2009-2010 | \$ 4,000,000 |

15 Sec. 51. WORLD FOOD PRIZE. It is the intent of the
16 general assembly to make appropriations from the general fund
17 of the state for purposes of the world food prize for the
18 designated fiscal years in the following amounts:

| | | | |
|----|----|--------------------|--------------|
| 19 | 1. | FY 2007-2008 | \$ 750,000 |
| 20 | 2. | FY 2008-2009 | \$ 1,000,000 |

21 Sec. 52. CONTINGENT EFFECTIVE DATE. The section of this
22 division of this Act making an appropriation from the manure
23 storage indemnity fund to the department of natural resources
24 is contingent upon the enactment by the Eighty-first General
25 Assembly, 2006 Session of an Act which amends sections 459.312
26 and 459.400 making it necessary for the department to modify
27 its computer database in order to provide documentation to
28 persons required to submit updated manure management plans and
29 updated manure management plan filing fees to the department.

30 Sec. 53. EFFECTIVE AND APPLICABILITY DATES.

31 1. The section of this division of this Act transferring
32 moneys that would otherwise revert to the state board of
33 regents, being deemed of immediate importance, takes effect
34 upon enactment.

35 2. The section of this division of this Act enacting

1 section 137F.3A, being deemed of immediate importance, takes
2 effect upon enactment and applies retroactively to July 1,
3 2005.

4 DIVISION V

5 MISCELLANEOUS STATUTORY CHANGES

6 Sec. 54. Section 7D.29, Code 2005, as amended by 2006 Iowa
7 Acts, Senate File 2273, section 7, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 4. The executive council shall receive
10 requests from the Iowa department of public health, relative
11 to the purchase, storing, and distribution of vaccines and
12 medication for prevention, prophylaxis, or treatment. Upon
13 review and after compliance with subsection 2, the executive
14 council may approve the request and may incur the necessary
15 expense and pay the same out of any money in the state
16 treasury not otherwise appropriated.

17 Sec. 55. Section 15E.208, subsection 3, paragraph b,
18 subparagraph (2), Code 2005, is amended by adding the
19 following new subparagraph subdivision:

20 NEW SUBPARAGRAPH SUBDIVISION. (e) Notwithstanding any
21 provision of this division to the contrary, payments of
22 principal and interest of the loan granted by the corporation
23 to an eligible person and assigned to the department pursuant
24 to this subparagraph during calendar year 2003 which were
25 deferred pursuant to subparagraph subdivision (c) shall be
26 forgiven and the total debt, including interest, shall be
27 retired.

28 Sec. 56. Section 15G.119, subsection 4, paragraph c, if
29 enacted by 2006 Iowa Acts, House File 2759, is amended to read
30 as follows:

31 c. Notwithstanding section 8.33, unencumbered and
32 unobligated moneys remaining in the infrastructure fund at the
33 close of each fiscal year shall not revert but shall remain
34 available in the infrastructure fund for expenditure for the
35 same purposes ~~in the succeeding fiscal year~~ until the end of

1 the fiscal year that begins July 1, 2011, at which time the
2 unencumbered and unobligated moneys remaining shall revert to
3 the funds from which appropriated.

4 Sec. 57. Section 22.7, subsection 52, unnumbered paragraph
5 1, as enacted by 2006 Iowa Acts, House File 2706, if enacted,
6 is amended to read as follows:

7 The following records relating to a charitable donation
8 made to a foundation acting solely for the support of an
9 institution governed by the state board of regents, to a
10 foundation acting solely for the support of an institution
11 governed by chapter 260C, to a private foundation as defined
12 in section 509 of the Internal Revenue Code organized for the
13 support of a government body, or to an endow Iowa qualified
14 community foundation, as defined in section 15E.303, organized
15 for the support of a government body:

16 Sec. 58. Section 22.7, Code Supplement 2005, is amended by
17 adding the following new subsections:

18 NEW SUBSECTION. 53. Individually identifiable client
19 information contained in the records of the state database
20 created as a homeless management information system pursuant
21 to standards developed by the United States department of
22 housing and urban development and utilized by the Iowa
23 department of economic development.

24 NEW SUBSECTION. 54. The following information contained
25 in the records of any governmental body relating to any form
26 of housing assistance:

- 27 a. An applicant's social security number.
- 28 b. An applicant's personal financial history.
- 29 c. An applicant's personal medical history or records.
- 30 d. An applicant's current residential address when the
31 applicant has been granted or has made application for a civil
32 or criminal restraining order for the personal protection of
33 the applicant or a member of the applicant's household.

34 Sec. 59. Section 29A.28, subsections 1 and 3, Code 2005,
35 are amended to read as follows:

1 1. All officers and employees of the state, or a
2 subdivision thereof, or a municipality other than employees
3 employed temporarily for six months or less, who are members
4 of the national guard, organized reserves or any component
5 part of the military, naval, or air forces or nurse corps of
6 this state or nation, or who are or may be otherwise inducted
7 into the military service of this state or of the United
8 States, or who are members of the civil air patrol, shall,
9 when ordered by proper authority to state active duty, state
10 military service, or federal service, or when performing a
11 civil air patrol mission pursuant to section 29A.3A, be
12 entitled to a leave of absence from such civil employment for
13 the period of state active duty, state military service, ~~or~~
14 federal service, or civil air patrol duty without loss of
15 status or efficiency rating, and without loss of pay during
16 the first thirty days of such leave of absence. Where state
17 active duty, state military service, ~~or~~ federal service, or
18 civil air patrol duty is for a period of less than thirty
19 days, a leave of absence under this section shall only be
20 required for those days that the civil employee would normally
21 perform services for the state, subdivision of the state, or a
22 municipality.

23 3. Upon returning from a leave of absence under this
24 section, an employee shall be entitled to return to the same
25 position and classification held by the employee at the time
26 of entry into state active duty, state military service, ~~or~~
27 federal service, or civil air patrol duty, or to the position
28 and classification that the employee would have been entitled
29 to if the continuous civil service of the employee had not
30 been interrupted by state active duty, state military service,
31 ~~or~~ federal service, or civil air patrol duty. Under this
32 subsection, "position" includes the geographical location of
33 the position.

34 Sec. 60. Section 29A.40, unnumbered paragraph 2, Code
35 2005, is amended to read as follows:

1 Any person who, without authority under the laws of the
2 United States or of one of the states, wears the uniform of,
3 or a distinctive part of the uniform of the armed forces of
4 the United States, shall be guilty of a ~~simple~~ serious
5 misdemeanor.

6 Sec. 61. Section 29A.43, subsection 1, Code Supplement
7 2005, is amended to read as follows:

8 1. A person shall not discriminate against any officer or
9 enlisted person of the national guard or organized reserves of
10 the armed forces of the United States or any member of the
11 civil air patrol because of that membership. An employer, or
12 agent of an employer, shall not discharge a person from
13 employment because of being an officer or enlisted person of
14 the military forces of the state or member of the civil air
15 patrol, or hinder or prevent the officer or enlisted person or
16 member of the civil air patrol from performing any military
17 service or civil air patrol duty the person is called upon to
18 perform by proper authority. A member of the national guard
19 or organized reserves of the armed forces of the United States
20 ordered to temporary duty, as defined in section 29A.1,
21 subsection 3, 11, or 12, or a member of the civil air patrol
22 performing duty pursuant to section 29A.3A, for any purpose is
23 entitled to a leave of absence during the period of the duty
24 or service, from the member's private employment, other than
25 employment of a temporary nature, and upon completion of the
26 duty or service the employer shall restore the person to the
27 position held prior to the leave of absence, or employ the
28 person in a similar position. However, the person shall give
29 evidence to the employer of satisfactory completion of the
30 training or duty, and that the person is still qualified to
31 perform the duties of the position. The period of absence
32 shall be construed as an absence with leave, and shall in no
33 way affect the employee's rights to vacation, sick leave,
34 bonus, or other employment benefits relating to the employee's
35 particular employment. A person violating a provision of this

1 section is guilty of a simple misdemeanor.

2 Sec. 62. Section 29C.8, subsection 3, paragraph f, Code
3 Supplement 2005, is amended to read as follows:

4 f. ~~(1)~~ Approve and support the development and ongoing
5 operations of ~~an-urban-search-and-rescue-team~~ homeland
6 security and emergency response teams to be deployed as a
7 resource to supplement and enhance disrupted or overburdened
8 local emergency and disaster operations and deployed as
9 available to provide assistance to other states pursuant to
10 the interstate emergency management assistance compact
11 described in section 29C.21. The following shall apply to
12 homeland security and emergency response teams:

13 ~~(2)~~ (1) A member of ~~an-urban-search-and-rescue~~ a homeland
14 security and emergency response team acting under the
15 authority this section upon the directive of the administrator
16 or pursuant to a governor's disaster proclamation as provided
17 in section 29C.6 shall be considered an employee of the state
18 under for purposes of section 29C.21 and chapter 669 and shall
19 be afforded protection as an employee of the state under
20 section 669.21. Disability, workers' compensation, and death
21 benefits for team members working under the authority of the
22 administrator or pursuant to the provisions of section 29C.6
23 shall be paid by the state in a manner consistent with the
24 provisions of chapter 85, 410, or 411 as appropriate,
25 depending on the status of the member, provided that the
26 member is registered with the homeland security and emergency
27 management division as a member of an approved team and is
28 participating as a team member in a response or recovery
29 operation initiated by the administrator or governor pursuant
30 to this section or in a training or exercise activity approved
31 by the administrator.

32 (2) Each approved homeland security and emergency
33 management response team shall establish standards for team
34 membership, shall provide the division with a listing of all
35 team members, and shall update the list each time a member is

1 removed from or added to the team. Individuals so identified
2 as team members shall be considered to be registered as team
3 members for purposes of subparagraph (1).

4 (3) Upon notification of a compensable loss to a member of
5 a homeland security and emergency management response team,
6 the department of administrative services shall process the
7 claim and seek funding from the executive council for those
8 costs associated with covered benefits.

9 Sec. 63. Section 29C.20, subsection 1, paragraph a,
10 subparagraph (5), Code Supplement 2005, is amended to read as
11 follows:

12 (5) ~~Paying the expenses incurred by and claims of an-urban~~
13 ~~search-and-rescue a homeland security and emergency response~~
14 ~~team when acting under the authority of the-administrator-and~~
15 ~~the-provisions-of~~ section 29C.6 29C.8 and public health
16 response teams when acting under the provisions of section
17 135.143.

18 Sec. 64. Section 29C.20, subsection 1, paragraph b, Code
19 Supplement 2005, is amended to read as follows:

20 b. When a state department or agency requests that moneys
21 from the contingent fund be expended to repair, rebuild, or
22 restore state property injured, destroyed, or lost by fire,
23 storm, theft, or unavoidable cause, or to repair, rebuild, or
24 restore state property that is fiberoptic cable and that is
25 injured or destroyed by a wild animal, or to purchase a police
26 service dog for the department of corrections when such a dog
27 is injured or destroyed, or for payment of the expenses
28 incurred by and claims of ~~an-urban-search-and-rescue a~~
29 homeland security and emergency response team when acting
30 under the authority of ~~the-administrator-and-the-provisions-of~~
31 section 29C.6 29C.8, the executive council shall consider the
32 original source of the funds for acquisition of the property
33 before authorizing the expenditure. If the original source
34 was other than the general fund of the state, the department
35 or agency shall be directed to utilize moneys from the

1 original source if possible. The executive council shall not
2 authorize the repairing, rebuilding, or restoring of the
3 property from the disaster aid contingent fund if it
4 determines that moneys from the original source are available
5 to finance the project.

6 Sec. 65. Section 35A.5, subsection 9, Code Supplement
7 2005, is amended to read as follows:

8 9. Establish and operate a state veterans cemetery and
9 make application to the government of the United States or any
10 subdivision, agency, or instrumentality thereof, for funds for
11 the purpose of establishing such a cemetery. The state may
12 enter into agreements with any subdivision of the state for
13 assistance in operating the cemetery. The state shall own the
14 land on which the cemetery is located.

15 PARAGRAPH DIVIDED. The department shall have the authority
16 to accept federal grant funds, funding from state
17 subdivisions, donations from private sources, and federal
18 "plot allowance" payments. ~~All such funds shall be deposited~~
19 ~~into an account dedicated to the establishment, operation, and~~
20 ~~maintenance of a veterans cemetery and these funds shall be~~
21 ~~expended only for those purposes.~~ The department through the
22 director shall have the authority to accept suitable cemetery
23 land, in accordance with federal veterans cemetery grant
24 guidelines, from the federal government, state government,
25 state subdivisions, private sources, and any other source
26 wishing to transfer land for use as a veterans cemetery. The
27 department may lease or use property received pursuant to this
28 subsection for any purpose so long as such leasing or use does
29 not interfere with the use of the property for cemetery
30 purposes and is not contrary to federal or state guidelines.
31 All funds received pursuant to this subsection, including
32 lease payments or funds generated from any activity engaged in
33 on any property accepted pursuant to this subsection, shall be
34 deposited into an account dedicated to the establishment,
35 operation, and maintenance of a veterans cemetery and these

1 funds shall be expended only for those purposes.

2 PARAGRAPH DIVIDED. Notwithstanding section 8.33, any
3 moneys in the account for a state veterans cemetery shall not
4 revert and, notwithstanding section 12C.7, subsection 2,
5 interest or earnings on moneys deposited in the fund shall be
6 credited to the account.

7 Sec. 66. Section 35A.13, Code 2005, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 5A. It is the intent of the general
10 assembly that beginning with the fiscal year beginning July 1,
11 2007, appropriations be made annually to the veterans trust
12 fund. Prior to any additional appropriations to this fund,
13 the commission shall provide the general assembly with
14 information identifying immediate and long-term veteran
15 services throughout the state and a plan for delivering those
16 services.

17 Sec. 67. Section 35A.13, subsection 6, Code 2005, is
18 amended by striking the subsection and inserting in lieu
19 thereof the following:

20 6. Moneys appropriated to the commission under this
21 section shall not be used to supplant funding provided by
22 other sources. The moneys may be expended upon a majority
23 vote of the commission membership for the benefit of veterans
24 and the spouses and dependents of veterans, for any of the
25 following purposes:

26 a. Travel expenses for wounded veterans directly related
27 to follow-up medical care.

28 b. Job training or college tuition assistance for job
29 retraining.

30 c. Unemployment assistance during a period of unemployment
31 due to prolonged physical or mental illness or disability
32 resulting from military service.

33 d. Expenses related to nursing facility or at-home care.

34 e. Benefits provided to children of disabled or deceased
35 veterans.

- 1 f. Individual counseling or family counseling programs.
- 2 g. Family support group programs or programs for children
- 3 of members of the military.
- 4 h. Honor guard services.

5 Sec. 68. Section 35A.13, Code 2005, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 6A. If the commission identifies other
8 purposes for which the moneys appropriated under this section
9 may be used for the benefit of veterans and the spouses and
10 dependents of veterans, the commission shall submit
11 recommendations for the addition of such purposes to the
12 general assembly for review.

13 Sec. 69. Section 68B.32A, subsection 2, unnumbered
14 paragraph 2, Code Supplement 2005, is amended to read as
15 follows:

16 The board may establish a process to assign signature codes
17 to a person or committee for purposes of facilitating an
18 electronic filing procedure. The assignment of signature
19 codes shall be kept confidential, notwithstanding section
20 22.2. The board and persons electronically filing reports and
21 statements shall keep assigned signature codes or subsequently
22 selected signature codes confidential. Signature codes shall
23 not be subject to state security policies regarding frequency
24 of change.

25 Sec. 70. NEW SECTION. 70A.15A CHARITABLE GIVING PAYROLL
26 DEDUCTION BY OTHER THAN STATE OFFICER OR EMPLOYEE.

27 1. For purposes of this section, unless the context
28 otherwise requires:

29 a. "Applicable public employer" means a board of directors
30 of a school district, a county board of supervisors, or a
31 governing body of a city.

32 b. "Eligible charitable organization" means a not-
33 for-profit federation of health and human services, social
34 welfare, or environmental agencies or associations that meets
35 all of the following conditions:

1 (1) The federation is tax exempt under section 501(c)(3)
2 of the Internal Revenue Code and contributions to the
3 federation are deductible under section 170 of the Internal
4 Revenue Code.

5 (2) The federation has had an office in this state for the
6 last five years.

7 (3) The federation represents at least ten health and
8 human services, social welfare, or environmental agencies or
9 associations that are located in this state.

10 (4) The federation is governed by an active, voluntary
11 board, which exercises administrative control over the
12 federation.

13 (5) The federation is not a charitable foundation.

14 (6) The federation is registered with the secretary of
15 state's office.

16 2. An applicable public employer may authorize deductions
17 from the salaries or wages of its employees of an amount
18 specified by an employee for payment to an eligible charitable
19 organization. The authorization by an employee for deductions
20 from the employee's salary or wages shall be evidenced by a
21 written request signed by the employee directed to and filed
22 with the treasurer, or official in charge of the payroll
23 system, of the applicable public employer and the treasurer or
24 responsible official shall deduct from the salary or wages of
25 the employee the amount specified for payment to the eligible
26 charitable organization. The request for the deduction may be
27 withdrawn by the employee at any time by filing a written
28 notification of withdrawal with the applicable treasurer or
29 responsible official in charge of the payroll system.

30 3. If an applicable public employer authorizes deductions
31 from the salaries or wages of its employees for payment to any
32 eligible charitable organization, the applicable public
33 employer shall ensure that an employee shall be permitted to
34 authorize a deduction to any eligible charitable organization.

35 Sec. 71. Section 103A.10, subsection 2, Code 2005, is

1 amended by adding the following new paragraph:

2 NEW PARAGRAPH. c. To all newly constructed buildings and
3 structures the construction of which is paid for in whole or
4 in part with moneys appropriated by the state but not wholly
5 owned by the state.

6 Sec. 72. NEW SECTION. 103A.10A PLAN REVIEWS AND
7 INSPECTIONS.

8 1. Beginning on January 1, 2007, all newly constructed
9 buildings or structures, excluding any addition, renovation,
10 or repair of a building or structure whether existing prior to
11 January 1, 2007, or thereafter, that are owned by the state or
12 an agency of the state, except as provided in subsection 2,
13 shall be subject to a plan review and inspection by the
14 commissioner or an independent building inspector appointed by
15 the commissioner. A fee shall be assessed for the cost of
16 plan review and the cost of inspection.

17 2. Beginning on July 1, 2007, all newly constructed
18 buildings, excluding any addition, renovation, or repair of a
19 building whether existing prior to July 1, 2007, or
20 thereafter, that are owned by the state board of regents shall
21 be subject to a plan review and inspection by the commissioner
22 or the commissioner's staff or assistant. The commissioner
23 and the state board of regents shall develop a plan to
24 implement the requirements of this subsection, including
25 funding recommendations related to plan review and inspection,
26 by March 1, 2007.

27 3. All newly constructed buildings and structures the
28 construction of which is paid for in whole or in part with
29 moneys appropriated by the state but not wholly owned by the
30 state are subject to the plan review and inspection
31 requirements as provided in this subsection. If a
32 governmental subdivision has adopted a building code,
33 electrical code, mechanical code, and plumbing code and
34 performs inspections pursuant to such codes, such buildings or
35 structures shall be built to comply with such codes. However,

1 if a governmental subdivision has not adopted a building code,
2 electrical code, mechanical code, and plumbing code, or does
3 not perform inspections pursuant to such codes, such buildings
4 or structures shall be built to comply with the state building
5 code and shall be subject to a plan review and inspection by
6 the commissioner or an independent building inspector
7 appointed by the commissioner. A fee shall be assessed for
8 the cost of plan review and the cost of inspection.

9 4. The commissioner shall administer this section
10 notwithstanding section 103A.19. The commissioner shall
11 establish by rule proper qualifications for an independent
12 building inspector and for the commissioner's staff or
13 assistant who performs inspections, and fees for plan reviews
14 and inspections.

15 Sec. 73. Section 123.47, subsection 1, Code Supplement
16 2005, is amended to read as follows:

17 1. a. A person shall not sell, give, or otherwise supply
18 alcoholic liquor, wine, or beer to any person knowing or
19 having reasonable cause to believe that person to be under
20 legal age.

21 b. A person who is the owner, lessee, or who has control
22 of property that is not a licensed premises shall not permit
23 any person, knowing or having reasonable cause to believe the
24 person to be under legal age, to consume or possess on such
25 property any alcoholic liquor, wine, or beer.

26 Sec. 74. Section 123.47, subsection 4, Code Supplement
27 2005, is amended to read as follows:

28 4. Except as otherwise provided in subsections 5 and 6, a
29 person who is of legal age, other than a licensee or
30 permittee, who ~~sells, gives, or otherwise supplies alcoholic~~
31 ~~liquor, wine, or beer to a person who is under legal age in~~
32 violation of this section violates subsection 1 commits a
33 serious misdemeanor punishable by a minimum fine of five
34 hundred dollars.

35 Sec. 75. Section 123.47, subsection 5, Code Supplement

1 2005, is amended to read as follows:

2 5. A person who is of legal age, other than a licensee or
3 permittee, who sells, gives, or otherwise supplies alcoholic
4 liquor, wine, or beer to a person who is under legal age in
5 violation of this-section subsection 1, paragraph "a", which
6 results in serious injury to any person commits an aggravated
7 misdemeanor.

8 Sec. 76. Section 123.47, subsection 6, Code Supplement
9 2005, is amended to read as follows:

10 6. A person who is of legal age, other than a licensee or
11 permittee, who sells, gives, or otherwise supplies alcoholic
12 liquor, wine, or beer to a person who is under legal age in
13 violation of this-section subsection 1, paragraph "a", which
14 results in the death of any person commits a class "D" felony.

15 Sec. 77. Section 147.106, subsection 1, paragraph e, Code
16 Supplement 2005, is amended to read as follows:

17 e. The referring clinical laboratory, other than the
18 laboratory of a physician's office or group practice, that
19 ordered the services. A laboratory of a physician's office or
20 group practice that ordered the services may be presented a
21 claim, bill, or demand for payment if a physician in the
22 physician's office or group practice is performing the
23 professional component of the anatomic pathology services.

24 Sec. 78. Section 147.106, subsection 5, Code Supplement
25 2005, is amended to read as follows:

26 5. This section does not prohibit claims or charges
27 presented by to a referring clinical laboratory, other than a
28 laboratory of a physician's office or group practice, ~~to~~
29 unless in accordance with subsection 1, paragraph "e", by
30 another clinical laboratory when samples are transferred
31 between laboratories for the provision of anatomic pathology
32 services.

33 Sec. 79. Section 225C.48, subsection 1, Code 2005, if
34 amended by both 2006 Iowa Acts, House File 845, if enacted,
35 and by 2006 Iowa Acts, Senate File 2217, section 22, if

1 enacted, is amended by striking the subsection and inserting
2 in lieu thereof the following:

3 1. a. An eleven-member comprehensive family support
4 council is created in the department. The members of the
5 council shall be appointed by the governor. At least five of
6 the members shall be family members of individuals with a
7 disability as defined in section 225C.47. At least five of
8 the members shall be current or former service consumers or
9 family members of such service consumers. Members shall serve
10 for three-year staggered terms. A vacancy on the council
11 shall be filled in the same manner as the original
12 appointment.

13 b. The members of the council are entitled to
14 reimbursement of actual and necessary expenses incurred in the
15 performance of their official duties. In addition, the
16 members who are family members of individuals with a
17 disability or current or former service consumers or family
18 members of such service consumers are entitled to a stipend of
19 fifty dollars for each council meeting attended, subject to a
20 limit of one meeting per month. The expenses and stipend
21 shall be paid from the appropriation made for purposes of the
22 comprehensive family support program.

23 c. The council shall elect officers from among the
24 council's members.

25 Sec. 80. Section 232.147, subsection 2, paragraph b, if
26 enacted by 2006 Iowa Acts, House File 2651, section 1, is
27 amended to read as follows:

28 b. Official juvenile court records containing a petition
29 or complaint alleging delinquency filed on or after January 1,
30 2007, shall be public records subject to a confidentiality
31 order under section 232.149A or sealing under section 232.150.
32 ~~However, the~~ The official records shall not be available to
33 the public or any governmental agency through the internet or
34 in an electronic customized data report unless the child has
35 been adjudicated delinquent. However, the following shall

1 have access to official juvenile court records through the
2 internet or in an electronic customized data report prior to
3 the child being adjudicated delinquent:

4 (1) The judge and professional court staff, including
5 juvenile court officers.

6 (2) The child and the child's counsel.

7 (3) The county attorney and the county attorney's
8 assistants.

9 (4) A court, court professional staff, and adult probation
10 officers in connection with the preparation of a presentence
11 report concerning a person who prior thereto had been the
12 subject of a juvenile court proceeding.

13 (5) A state or local law enforcement agency.

14 (6) The state public defender.

15 Sec. 81. Section 232.149A, subsection 3, if enacted by
16 2006 Iowa Acts, House File 2651, section 2, is amended by
17 adding the following new paragraph:

18 NEW PARAGRAPH. i. The state public defender.

19 Sec. 82. NEW SECTION. 257.12 ADJUSTMENT IN STATE
20 FOUNDATION AID.

21 1. If a school district is required to repay property
22 taxes paid for school taxes levied on property originally
23 assessed at five million dollars or more because the
24 assessment was subsequently reduced by the action of the
25 property assessment appeal board or judicial action and the
26 amount of the reduction in the assessment equals at least one
27 hundred thousand dollars or two percent of the assessed value
28 of all taxable property in the district prior to the
29 reduction, whichever is less, the school district is eligible
30 for an adjustment in state foundation aid. To receive the
31 adjustment in state foundation aid, the school district shall
32 apply to the department of management prior to the beginning
33 of the budget year following the budget year in which the
34 repayment of the property taxes occurred. The department of
35 management shall determine the amount of adjustment in state

1 foundation aid pursuant to subsection 2.

2 2. The department of management shall determine the amount
3 of state foundation aid which the school district would have
4 received under section 257.1 if the amount of the school
5 district's foundation property tax was determined using the
6 reduced assessment of the applicable property. The difference
7 between the amount of the state foundation aid using the
8 reduced assessment and the amount of state foundation aid
9 actually received under section 257.1 equals the amount of the
10 adjustment in state foundation aid to be paid to the school
11 district.

12 3. The adjustment in state foundation aid under this
13 section shall be paid as provided in section 257.16. If the
14 application to receive an adjustment in state aid was filed
15 prior to April 15, the adjustment shall be paid in the budget
16 year. If the application is made after April 15, the
17 adjustment shall be paid in the following budget year.

18 Sec. 83. Section 275.15, unnumbered paragraph 4, Code
19 2005, is amended to read as follows:

20 The administrator shall at once publish the decision in the
21 same newspaper in which the original notice was published.
22 Within twenty days after the publication, the decision
23 rendered by the area education agency board may be appealed to
24 the district court in the county involved by any school
25 district affected. For purposes of appeal, only those school
26 districts who filed reorganization petitions are school
27 districts affected. An appeal from a decision of an area
28 education agency board or joint area education agency boards
29 under section 275.4, 275.16, or this section is subject to
30 appeal procedures under this chapter and is not subject to
31 appeal under procedures set forth in chapter 290.

32 Sec. 84. Section 314.1, subsection 2, Code 2005, as
33 amended by 2006 Iowa Acts, House File 2713, section 27, is
34 amended to read as follows:

35 2. Notwithstanding any other provision of law to the

1 contrary, a public improvement that involves the construction,
2 reconstruction, or improvement of a highway, bridge, or
3 culvert and that has a cost in excess of the applicable
4 threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14, or
5 313.10, as modified by the bid threshold subcommittee pursuant
6 to section 314.1B, shall be advertised and let for bid, except
7 such public improvements that involve emergency work pursuant
8 to section 309.40A, 313.10, or 384.103, subsection 2. For a
9 city having a population of fifty thousand or less, a public
10 improvement that involves the construction, reconstruction, or
11 improvement of a highway, bridge, or culvert that has a cost
12 in excess of twenty-five thousand dollars, as modified by the
13 bid threshold subcommittee pursuant to section 314.1B, shall
14 be advertised and let for bid, excluding emergency work.
15 However, a public improvement that has an estimated total cost
16 to a city in excess of a threshold of fifty thousand dollars,
17 as modified by the bid threshold subcommittee pursuant to
18 section 314.1B, and that involves the construction,
19 reconstruction, or improvement of a highway, bridge, or
20 culvert that is under the jurisdiction of a city with a
21 population of more than fifty thousand, shall be advertised
22 and let for bid. Cities required to competitively bid
23 highway, bridge, or culvert work shall do so in compliance
24 with the requirements of sections 38.3 through 38.13.

25 Sec. 85. Section 352.2, subsection 7, Code 2005, is
26 amended to read as follows:

27 7. "Farm products" means those plants and animals and
28 their products which are useful to people and includes but is
29 not limited to forages and sod crops, grains and feed crops,
30 dairy and dairy products, poultry and poultry products,
31 livestock, canines from licensed facilities, fruits,
32 vegetables, flowers, seeds, grasses, trees, fish, honey, and
33 other similar products, or any other plant, animal, or plant
34 or animal product which supplies people with food, feed,
35 fiber, or fur.

1 Sec. 86. Section 421.17, subsection 27, paragraph j, if
2 enacted by 2006 Iowa Acts, House File 2521, is amended by
3 striking the paragraph and inserting in lieu thereof the
4 following:

5 j. Of the amount of debt actually collected pursuant to
6 this subsection an amount, not to exceed the amount collected,
7 which is sufficient to pay for salaries, support, maintenance,
8 services, and other costs incurred by the department related
9 to the administration of this subsection shall be retained by
10 the department. Revenues retained by the department pursuant
11 to this section shall be considered repayment receipts as
12 defined in section 8.2. The director shall, in the annual
13 budget request pursuant to section 8.23, make an estimate as
14 to the amount of receipts to be retained and the estimated
15 amount of additional receipts to be collected. The director
16 shall report annually to the department of management, the
17 legislative fiscal committee, and the legislative services
18 agency on any additional positions added and the costs
19 incurred during the previous fiscal year pursuant to this
20 subsection.

21 Sec. 87. Section 423.1, subsection 3, Code Supplement
22 2005, is amended to read as follows:

23 3. "Agricultural production" includes the production of
24 flowering, ornamental, or vegetable plants in commercial
25 greenhouses or otherwise, and production from aquaculture or
26 canines from licensed facilities. "Agricultural products"
27 includes flowering, ornamental, or vegetable plants and those
28 products of aquaculture or canines from licensed facilities.

29 Sec. 88. Section 427.1, subsection 21A, Code Supplement
30 2005, is amended by striking the subsection and inserting in
31 lieu thereof the following:

32 21A. DWELLING UNIT PROPERTY OWNED BY COMMUNITY HOUSING
33 DEVELOPMENT ORGANIZATION. Dwelling unit property owned and
34 managed by a community housing development organization, as
35 recognized by the state of Iowa and the federal government

1 pursuant to criteria for community housing development
2 organization designation contained in the HOME program of the
3 federal National Affordable Housing Act of 1990, if the
4 organization is also a nonprofit organization exempt from
5 federal income tax under section 501(c)(3) of the Internal
6 Revenue Code and owns and manages more than one hundred and
7 fifty dwelling units that are located in a city with a
8 population of more than one hundred ten thousand.

9 Sec. 89. NEW SECTION. 441.38A NOTICE TO SCHOOL DISTRICT.

10 In addition to any other requirement for providing of
11 notice, if a property owner or aggrieved taxpayer files a
12 protest against the assessment of property valued at five
13 million dollars or more or files an appeal to the property
14 assessment appeal board or the district court with regard to
15 such property, the assessor shall provide notice to the school
16 district in which such property is located within ten days of
17 the filing of the protest or the appeal, as applicable.

18 Sec. 90. Section 466A.3, subsection 1, paragraph b, Code
19 Supplement 2005, is amended to read as follows:

20 b. The board shall consist of four members of the general
21 assembly who shall serve as voting ex officio, nonvoting
22 members. Not more than one member from each house shall be
23 from the same political party. Two state senators shall be
24 appointed, one by the majority leader of the senate and one by
25 the minority leader of the senate. Two state representatives
26 shall be appointed, one by the speaker of the house of
27 representatives and one by the minority leader of the house of
28 representatives. A member may designate another person to
29 attend a board meeting if the member is unavailable. Only the
30 member is eligible for per diem and expenses as provided in
31 section 2.10.

32 Sec. 91. Section 631.14, Code 2005, is amended to read as
33 follows:

34 631.14 REPRESENTATION IN SMALL CLAIMS ACTIONS.

35 1. Actions constituting small claims may be brought or

1 defended by an individual, partnership, association,
2 corporation, or other entity. In actions in which a person
3 other than an individual is a party, that person may be
4 represented by an officer or an employee.

5 2. In actions concerning residential rental property that
6 is titled in the name of one or more individuals, an employee
7 of one or more of the titled owners, or an officer or employee
8 of a property management entity acting on behalf of one or
9 more of the titled owners, may bring or defend an action in
10 the name of the titled owners, the property management entity,
11 or the name by which the property is commonly known.

12 Notwithstanding any other provision to the contrary, if the
13 defendant or plaintiff has been improperly named in the
14 petition in an action concerning residential rental property,
15 the real party in interest shall be substituted at the time
16 the error is identified and the action shall not be dismissed
17 or delayed except to the extent necessary to identify and
18 serve the real parties in interest.

19 3. A person who in the regular course of business takes
20 assignments of instruments or accounts pursuant to chapter
21 539, which assignments constitute small claims, may bring an
22 action on an assigned instrument or account in the person's
23 own name and need not be represented by an attorney, provided
24 that in an action brought to recover payment on a dishonored
25 check or draft, as defined in section 554.3104, the action is
26 brought in the county of residence of the maker of the check
27 or draft or in the county where the draft or check was first
28 presented. Any person, however, may be represented in a small
29 claims action by an attorney.

30 Sec. 92. 2006 Iowa Acts, Senate File 2251, section 1,
31 subsection 2, paragraph b, is amended by adding the following
32 new subparagraphs:

33 NEW SUBPARAGRAPH. (35) The Iowa podiatric medical
34 society.

35 NEW SUBPARAGRAPH. (36) The Iowa speech-language hearing

1 association.

2 Sec. 93. EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

3 1. The section of this division of this Act amending
4 section 7D.29, being deemed of immediate importance, takes
5 effect upon enactment.

6 2. The section of this division of this Act amending
7 section 427.1, subsection 21A, being deemed of immediate
8 importance, takes effect upon enactment and applies
9 retroactively to January 1, 2005, for assessment years
10 beginning on or after that date.

11 3. The section of this division of this Act enacting
12 section 441.38A takes effect January 1, 2007, and applies to
13 assessment years beginning on or after that date.

14 DIVISION VI

15 SETTLEMENT OF STATE FINANCIAL AND TORT CLAIMS

16 Sec. 94. Section 8.6, Code 2005, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 15. STATE TORT CLAIMS -- RISK MANAGEMENT
19 COORDINATOR. Designate a position within the department to
20 serve as the executive branch's risk management coordinator.
21 The risk management coordinator shall have all of the
22 following responsibilities:

23 a. Coordinating and monitoring risk control policies and
24 programs in the executive branch, including but not limited to
25 coordination with the employees of departments who are
26 responsible for the workers' compensation for state employees
27 and management of state property.

28 b. Consulting with the attorney general with respect to
29 the risk control policies and programs and trends in claims
30 and liability of the state under chapter 669.

31 c. Coordinating the state's central data repository for
32 claims and risk information.

33 The costs of salary, benefits, and support for the risk
34 management coordinator shall be authorized by the state appeal
35 board established in chapter 73A and shall be paid as claims

1 for services furnished to the state under section 25.2.

2 Sec. 95. Section 8A.512, subsection 1, paragraph b,
3 subparagraph (3), Code 2005, is amended to read as follows:

4 (3) Claims approved by an agency according to the
5 provisions of ~~sections-25-1-and~~ section 25.2.

6 Sec. 96. Section 22.7, subsection 32, Code Supplement
7 2005, is amended to read as follows:

8 32. Social security numbers of the owners of unclaimed
9 property reported to the treasurer of state pursuant to
10 section 556.11, subsection 2, included on claim forms filed
11 with the treasurer of state pursuant to section 556.19,
12 included in outdated warrant reports received by the treasurer
13 of state pursuant to section ~~25-2~~ 556.2C, or stored in record
14 systems maintained by the treasurer of state for purposes of
15 administering chapter 556, or social security numbers of
16 payees included on state warrants included in records systems
17 maintained by the department of administrative services for
18 the purpose of documenting and tracking outdated warrants
19 pursuant to section ~~25-2~~ 556.2C.

20 Sec. 97. Section 25.1, subsection 1, Code 2005, is amended
21 to read as follows:

22 1. When Except for those claims that are addressed as
23 provided in section 25.2, subsection 2, when a claim is filed
24 or made against the state, on which in the judgment of the
25 director of the department of management the state would be
26 liable except for the fact of its sovereignty or that it has
27 no appropriation available for its payment, the director of
28 the department of management shall deliver that claim to the
29 state appeal board. However, this chapter does not apply to a
30 claim as defined in section 669.2.

31 Sec. 98. Section 25.1, subsection 3, Code 2005, is amended
32 by striking the subsection.

33 Sec. 99. Section 25.1, unnumbered paragraph 1, Code 2005,
34 is amended by striking the unnumbered paragraph.

35 Sec. 100. Section 25.2, subsection 1, unnumbered paragraph

1 1, Code 2005, is amended to read as follows:

2 The state appeal board with the recommendation of the
3 special assistant attorney general for claims may approve or
4 reject claims against the state of less than ~~ten~~ five years
5 involving the following:

6 Sec. 101. Section 25.2, subsection 1, paragraph a, Code
7 2005, is amended by striking the paragraph.

8 Sec. 102. Section 25.2, Code 2005, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 1A. Notwithstanding the time period
11 specified in subsection 1, the state appeal board may approve
12 or reject a claim against the state of five years or more,
13 provided an error was made by the state or the claim involves
14 a dispute that commenced five years or more prior.

15 Sec. 103. Section 25.2, subsection 2, Code 2005, is
16 amended to read as follows:

17 2. a. Notwithstanding subsection 1, an agency that
18 receives a claim that is charged to a funding source other
19 than the general fund of the state that does not revert and is
20 based on an outdated invoice, outdated division for
21 merchandise, or for services furnished to the state pursuant
22 to-section-25-17-subsection-37 may on its own approve or deny
23 the claim. The agency shall provide the state appeal board
24 with notification of receipt of the claim and action taken on
25 the claim by the agency. The state appeal board shall adopt
26 rules setting forth the procedures and standards for
27 resolution of such claims by state agencies. Claims denied by
28 an agency shall be forwarded to the state appeal board by the
29 agency for further consideration, in accordance with this
30 chapter.

31 b. The department of administrative services staff
32 performing financial administration duties under chapter 8A,
33 subchapter V, shall establish reporting requirements for
34 dealing with claims under this subsection as necessary to
35 conform with generally accepted accounting principles.

1 Sec. 104. Section 25.2, subsection 4, Code 2005, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 4. Outstanding state warrants that have been canceled
5 pursuant to section 8A.519 and were charged to the general
6 fund of the state or another state funding source shall be
7 addressed as provided in section 556.2C.

8 Sec. 105. Section 25.2, subsection 5, Code 2005, is
9 amended by striking the subsection.

10 Sec. 106. NEW SECTION. 556.2C OUTSTANDING STATE
11 WARRANTS.

12 1. a. An unpaid, outdated warrant that is canceled
13 pursuant to section 8A.519 shall be included in a list of
14 outstanding state warrants maintained by the director of the
15 department of administrative services. On or before July 1 of
16 each year, the director of the department of administrative
17 services shall provide the office of the treasurer of state
18 with a consolidated list of such outstanding warrants that
19 have not been previously reported to the office.

20 b. The consolidated list shall be accompanied by
21 supporting information as specified by the treasurer of state.
22 The treasurer of state may include information regarding the
23 outstanding warrants in the notice published pursuant to
24 section 556.12 and on the treasurer of state's official
25 internet website.

26 c. The reporting requirements of this section do not apply
27 to outdated warrants charged to federal grants or other
28 nonstate funds for which funding is no longer available as
29 described in section 25.2.

30 2. An agreement to pay compensation to recover or assist
31 in the recovery of an outstanding warrant made within twenty-
32 four months after the date the warrant is canceled is
33 unenforceable. However, an agreement made after twenty-four
34 months from the date the warrant is canceled is valid if the
35 fee or compensation agreed upon is not more than fifteen

1 percent of the recoverable property, the agreement is in
2 writing and signed by the payee, and the writing discloses the
3 nature and value of the property and the name and address of
4 the person in possession. This subsection does not apply to a
5 payee who has a bona fide fee contract with a practicing
6 attorney regulated under chapter 602, article 10.

7 Sec. 107. Section 556.18, subsection 2, Code 2005, is
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. d. Any costs in connection with
10 information on outstanding state warrants addressed pursuant
11 to section 556.2C.

12 Sec. 108. Section 669.2, subsection 2, Code Supplement
13 2005, is amended to read as follows:

14 2. "Award" means any amount determined by the ~~state-appeal~~
15 board attorney general to be payable to a claimant under
16 section 669.3, and the amount of any compromise or settlement
17 under section 669.9.

18 Sec. 109. Section 669.3, Code 2005, is amended to read as
19 follows:

20 669.3 ADJUSTMENT AND SETTLEMENT OF CLAIMS.

21 ~~1. Authority-is-hereby-conferred-upon-the-state-appeal~~
22 ~~board,-acting~~ The attorney general, on behalf of the state of
23 Iowa, ~~subject-to-the-advice-and-approval-of-the-attorney~~
24 ~~general,-to~~ shall consider, ascertain, adjust, compromise,
25 settle, determine, and allow any claim ~~as-defined-in~~ that is
26 subject to this chapter. ~~If-any-claim-is-compromised,~~
27 ~~settled,-or-allowed-in-an-amount-of-more-than-five-thousand~~
28 ~~dollars,-the-unanimous-approval-of-all-members-of-the-state~~
29 ~~appeal-board-and-the-attorney-general-shall-be-required-and~~
30 ~~the-approval-of-the-district-court-of-the-state-of-Iowa-for~~
31 ~~Polk-county-shall-also-be-required.~~

32 2. Claims A claim made under this chapter shall be filed
33 with the director of the department of management, who shall
34 acknowledge receipt on behalf of the state ~~appeal-board~~.

35 3. The state appeal board shall adopt rules and procedures

1 for the handling, processing, and investigation of claims,
2 ~~according to the provisions of the Iowa administrative~~
3 ~~procedure Act~~, in accordance with chapter 17A.

4 Sec. 110. Section 669.4, unnumbered paragraph 5, Code
5 2005, is amended by striking the unnumbered paragraph.

6 Sec. 111. Section 669.5, Code 2005, is amended to read as
7 follows:

8 669.5 WHEN SUIT PERMITTED -- EMPLOYEES OF THE STATE.

9 1. No A suit shall not be permitted for a claim under this
10 chapter unless the state-appeal-board attorney general has
11 made final disposition of the claim, ~~except that if.~~ However,
12 if the state-appeal-board attorney general does not make final
13 disposition of a claim within six months after the claim is
14 made in writing to the state-appeal-board director of the
15 department of management, the claimant may, by notice in
16 writing, withdraw the claim from consideration ~~of the state~~
17 ~~appeal-board~~ and begin suit under this chapter. Disposition
18 of or offer to settle any claim made under this chapter shall
19 not be competent evidence of liability or amount of damages in
20 any suit under this chapter.

21 2. a. Upon certification by the attorney general that a
22 defendant in a suit was an employee of the state acting within
23 the scope of the employee's office or employment at the time
24 of the incident upon which the claim is based, the suit
25 commenced upon the claim shall be deemed to be an action
26 against the state under the provisions of this chapter, and if
27 the state is not already a defendant, the state shall be
28 substituted as the defendant in place of the employee.

29 b. If the attorney general refuses to certify that a
30 defendant was acting within the scope of the defendant's
31 office or employment as described in paragraph "a" at the time
32 of the incident out of which the claim arose, the defendant
33 may petition the court, with notice to the attorney general,
34 for the court to find and certify that the defendant was an
35 employee of the state and was acting within the scope of the

1 defendant's office or employment. The defendant must file the
2 petition within ninety days of the date the attorney general
3 serves notice of the attorney general's refusal to provide
4 certification as provided in paragraph "a". If the court
5 issues the finding and certification, the suit shall be deemed
6 to be brought against the state and subject to the provisions
7 of this chapter and the state shall be substituted as the
8 defendant party unless the state is already a defendant. If
9 the court denies the petition for certification, the order
10 shall not be a final order and is not subject to interlocutory
11 appeal by the defendant.

12 Sec. 112. Section 669.13, Code 2005, is amended to read as
13 follows:

14 669.13 LIMITATION OF ACTIONS.

15 1. Every A claim and or suit otherwise permitted under
16 this chapter shall be forever barred, unless within two years
17 after such the claim accrued, the claim is made in writing to
18 and filed with the state-appeal-board director of the
19 department of management under this chapter. The time to
20 begin a suit under this chapter shall be extended for a period
21 of six months from the date of mailing of notice to the
22 claimant by the state-appeal-board attorney general as to the
23 final disposition of the claim or from the date of withdrawal
24 of the claim from-the-state-appeal-board under section 669.5,
25 if the time to begin suit would otherwise expire before the
26 end of such the period.

27 2. If a claim is made or filed under any other law of this
28 state and a determination is made by a state agency or court
29 that this chapter provides the exclusive remedy for the claim,
30 the time two-year period authorized in subsection 1 to make a
31 claim and to begin a suit under this chapter shall be extended
32 for a period of six months from the date of the court order
33 making such determination or the date of mailing of notice to
34 the claimant of such determination by a state agency, if the
35 time to make the claim and to begin the suit under this

1 chapter would otherwise expire before the end of such the two-
2 year period. The time to begin a suit under this chapter may
3 be further extended as provided in ~~the-preceding-paragraph~~
4 subsection 1.

5 3. This section is the only statute of limitations
6 applicable to claims as defined in this chapter.

7 Sec. 113. Section 669.15, Code 2005, is amended to read as
8 follows:

9 669.15 ATTORNEY'S ATTORNEY FEES AND EXPENSES.

10 The court rendering a judgment for the a claimant under
11 this chapter, ~~or the-state-appeal-board, with-the-advice-and~~
12 ~~approval-of~~ the attorney general, making an award under
13 section 669.3, ~~or the-attorney-general-making-an-award-under~~
14 ~~section 669.9, as-the-case-may-be,~~ shall, as a part of the
15 judgment or award, determine and allow reasonable attorney's
16 attorney fees and expenses, to. The attorney fees and
17 expenses shall be paid out of but not in addition to the
18 amount of judgment or award recovered, to the attorneys
19 representing the claimant. Any attorney who charges, demands,
20 receives, or collects for services rendered in connection with
21 such claim any amount in excess of that allowed under this
22 section, if recovery be had, shall be guilty of a serious
23 misdemeanor.

24 Sec. 114. Section 669.18, Code 2005, is amended to read as
25 follows:

26 669.18 EXTENSION OF TIME.

27 If a claim is made or a suit is begun under this chapter,
28 and if a determination is made by the ~~state-appeal-board~~
29 attorney general or by the court that the claim or suit is not
30 permitted under this chapter for any reason other than lapse
31 of time, the time to make a claim or to begin a suit under any
32 other applicable law of this state shall be extended for a
33 period of six months from the date of the court order making
34 such determination or the date of mailing of notice to the
35 claimant of such determination by the ~~state-appeal-board~~

1 attorney general, if the time to make the claim or begin the
2 suit under such other law would otherwise expire before the
3 end of such period.

4 Sec. 115. Section 669.19, Code 2005, is amended to read as
5 follows:

6 669.19 INVESTIGATION OF CLAIMS BEFORE-APPEAL-BOARD.

7 ~~Chapter-25-does-not-apply-to-claims-as-defined-in-this~~
8 ~~chapter.--However,--any-or-all-of-the-provisions-of-sections~~
9 ~~25.17-25.47-and-25.5-may-be-made-applicable-to-claims-as~~
10 ~~defined-in-this-chapter-by-agreement-between-the-attorney~~
11 ~~general-and-the-state-appeal-board-from-time-to-time. The~~
12 attorney general shall fully investigate each claim under this
13 chapter and may exercise the authority provided in section
14 25.5 in performing the investigation.

15 Sec. 116. Section 669.20, Code 2005, is amended to read as
16 follows:

17 669.20 LIABILITY INSURANCE.

18 ~~Whenever~~ If a claim or suit against the state is covered by
19 liability insurance, the provisions of the liability insurance
20 policy on defense and settlement shall be applicable
21 notwithstanding any inconsistent provisions of this chapter.
22 The attorney general ~~and-the-state-appeal-board~~ shall co-
23 operate cooperate with the insurance company.

24 Sec. 117. Section 669.21, Code 2005, is amended to read as
25 follows:

26 669.21 EMPLOYEES DEFENDED AND INDEMNIFIED.

27 1. The Except as otherwise provided in subsection 2, the
28 state shall defend any employee, and shall indemnify and hold
29 harmless an employee against any claim as defined in section
30 669.2, subsection 3, paragraph "b", including claims arising
31 under the Constitution, statutes, or rules of the United
32 States or of any state.

33 2. a. The duty to indemnify and hold harmless shall not
34 apply and the state shall be entitled to restitution from an
35 employee if the employee fails to cooperate in the

1 investigation or defense of the claim, as defined in this
2 section, or if, in an action commenced by the state against
3 the employee, it is determined that the conduct of the
4 employee upon which a tort claim or demand was based
5 constituted a willful and wanton act or omission or
6 malfeasance in office.

7 b. The duty to indemnify and hold harmless shall not apply
8 if, in a suit commenced against the employee, the state has
9 been substituted as the defendant in place of the employee, as
10 provided in section 669.5.

11 DIVISION VII

12 CORRECTIVE PROVISIONS

13 Sec. 118. Section 8A.204, subsection 3, paragraph g,
14 subparagraph (4), unnumbered paragraph 2, as enacted by 2006
15 Iowa Acts, House File 2705, section 1, is amended to read as
16 follows:

17 The board shall keep detailed minutes of all discussion,
18 persons present, and action occurring at a closed session, and
19 shall also tape record all of the closed session. The minutes
20 and the tape recording of a session closed under this
21 subparagraph shall be made available for public examination
22 when a final decision is made regarding whether to issue the
23 request for proposals. All board actions and decisions
24 regarding this information shall be made in open meetings
25 session and appropriately recorded.

26 Sec. 119. Section 35A.14, subsection 3, if enacted by 2006
27 Iowa Acts, Senate File 2312, section 1, is amended to read as
28 follows:

29 3. The department may receive and accept donations,
30 grants, gifts, and contributions from any public or private
31 source for the purpose of providing grants under this section.
32 Moneys received by the department pursuant to this subsection
33 shall be deposited in an injured veterans trust fund which
34 shall be created in the state treasury under the control of
35 the department. Moneys credited to the trust fund shall be

1 are appropriated to the department for the purpose of
2 providing injured veterans grants under this section and shall
3 not be transferred, used, obligated, appropriated, or
4 otherwise encumbered, except as provided in this section.
5 Notwithstanding section 12C.7, subsection 2, interest or
6 earnings on moneys in the trust fund shall be credited to the
7 trust fund.

8 Sec. 120. Section 70A.23, subsection 3, paragraph a, as
9 enacted by 2006 Iowa Acts, Senate File 2231, is amended to
10 read as follows:

11 a. An eligible state employee, excluding an employee
12 covered under a collective bargaining agreement which provides
13 otherwise or an employee of the state board of regents, who
14 retires and receives a payment as provided in subsection 2
15 shall be entitled to elect to have the employee's available
16 remaining value of sick leave ~~to-be~~ used to pay the state
17 share for the employee's continuation of state group health
18 insurance coverage pursuant to the requirements of this
19 subsection.

20 Sec. 121. Section 91.4, subsection 9, Code 2005, as
21 amended by 2006 Iowa Acts, House File 2586, section 1, if
22 enacted, is amended to read as follows:

23 9. The commissioner may establish rules pursuant to
24 chapter 17A to assess and collect interest on fees, penalties,
25 and other amounts due the division. The commissioner may
26 delay₇ or, following written notice, deny the issuance of a
27 license, commission, registration, certificate, or permit
28 authorized under chapter 88A, 89, 89A, 90A, 91C, or 94A if the
29 applicant for the license, commission, registration,
30 certificate, or permit owes a liquidated debt to the
31 commissioner.

32 Sec. 122. Section 99G.30A, subsections 1 and 2, as enacted
33 by 2006 Iowa Acts, Senate File 2330, section 3, are amended to
34 read as follows:

35 1. If revenues are generated from monitor vending machines

1 on or after forty-five days following the effective date of
2 this Act, then there shall be a monitor vending machine excise
3 tax imposed on net monitor vending machine revenue receipts at
4 the rate of sixty-five percent.

5 ~~2. a. The director of revenue shall administer the~~
6 ~~monitor vending machine excise tax as nearly as possible in~~
7 ~~conjunction with the administration of state sales tax laws.~~
8 ~~The director shall provide appropriate forms or provide~~
9 ~~appropriate entries on the regular state tax forms for~~
10 ~~reporting local sales and services tax liability.~~

11 ~~b. All powers and requirements of the director to~~
12 ~~administer the state sales and use tax law are applicable to~~
13 ~~the administration of the monitor vending machine excise tax,~~
14 ~~including but not limited to the provisions of section 422.25,~~
15 ~~subsection 4, sections 422.30, 422.67, and 422.68, section~~
16 ~~422.69, subsection 1, sections 422.70 to 422.75, section~~
17 ~~423.14, subsection 1 and subsection 2, paragraphs "b" through~~
18 ~~"e", and sections 423.15, 423.23, 423.24, 423.25, 423.31 to~~
19 ~~423.35, 423.37 to 423.42, 423.46, and 423.47.~~

20 ~~c. Frequency of deposits and quarterly reports of the~~
21 ~~monitor vending machine excise tax with the department of~~
22 ~~revenue are governed by the tax provisions in section 423.31.~~
23 ~~Monitor vending machine excise tax collections shall not be~~
24 ~~included in computation of the total tax to determine~~
25 ~~frequency of filing under section 423.31.~~

26 2. a. The retailer shall pay on a monthly basis on forms
27 approved by the director of revenue the tax imposed under
28 subsection 1 to the department of revenue or to a depository
29 designated by the director of revenue.

30 b. The director of revenue shall administer the monitor
31 vending machine excise tax as nearly as possible in
32 conjunction with the administration of the state sales tax
33 law, except that portion of the law which implements the
34 streamlined sales and use tax agreement. The director shall
35 provide appropriate forms, or provide on the regular state tax

1 forms, for reporting the monitor vending machine excise tax
2 liability. All moneys received or refunded from the monitor
3 vendor machine excise tax shall be deposited in or withdrawn
4 from the general fund of the state.

5 c. Section 422.25, subsection 4, sections 422.30, 422.67,
6 and 422.68, section 422.69, subsection 1, sections 422.70,
7 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection
8 1, and sections 423.23, 423.24, 423.25, 423.31, 423.33,
9 423.35, 423.37 to 423.42, and 423.47, consistent with the
10 provisions of this section, apply with respect to the taxes
11 authorized under this section, in the same manner and with the
12 same effect as if the monitor vending machine excise tax was a
13 retail sales tax within the meaning of those statutes.

14 Notwithstanding this paragraph, the director shall provide for
15 monthly filing of returns as prescribed in section 423.31.
16 The director may require all persons who are engaged in the
17 business of deriving any net receipts subject to tax under
18 this section to register with the department. All taxes
19 collected under this section by a retailer or any individual
20 are deemed to be held in trust for the state of Iowa.

21 Sec. 123. Section 123.3, subsection 37, as amended by 2006
22 Iowa Acts, Senate File 2305, section 1, is amended to read as
23 follows:

24 37. "Wine" means any beverage containing more than five
25 percent of alcohol by weight but not more than seventeen
26 percent of alcohol by weight or twenty-one and twenty-five
27 hundredths percent of alcohol by volume obtained by the
28 fermentation of the natural sugar contents of fruits or other
29 agricultural products but excluding any product containing
30 alcohol derived from malt or by the distillation process from
31 grain, cereal, molasses, or cactus.

32 Sec. 124. Section 124.506A, subsection 1, as enacted by
33 2006 Iowa Acts, House File 2696, section 1, is amended to read
34 as follows:

35 1. Notwithstanding the provisions of section 124.506, if

1 more than ten pounds of marijuana or more than one pound of
2 any other controlled substance is seized in as a result of a
3 violation of this chapter, the law enforcement agency
4 responsible for retaining the seized controlled substance may
5 destroy the seized controlled substance if the law enforcement
6 agency retains at least ten pounds of the marijuana seized or
7 at least one pound of any other controlled substance seized
8 for evidence purposes.

9 Sec. 125. Section 266.27, Code 2005, as amended by 2006
10 Iowa Acts, Senate File 2253, section 34, is amended to read as
11 follows:

12 266.27 ACT ACCEPTED.

13 The assent of the general assembly of the state of Iowa is
14 hereby given to the provisions and requirements of the Smith-
15 Lever Act, 38 Stat. 372-374, approved May 18 8, 1914, and any
16 amendments to that Act, codified at 7 U.S.C. § 341 -- 349.

17 Sec. 126. Section 331.756, subsection 44, Code Supplement
18 2005, is amended by striking the subsection.

19 Sec. 127. Section 455G.31, subsection 2, paragraph a, if
20 enacted by 2006 Iowa Acts, House File 2754, section 25, is
21 amended to read as follows:

22 a. For gasoline storage and dispensing infrastructure
23 other than the dispenser, the department of natural resources
24 under this chapter or the state fire marshal under chapter
25 1017-~~division-II~~ must determine that it is compatible with E-
26 85 gasoline.

27 Sec. 128. Section 541A.3, subsection 1, unnumbered
28 paragraph 1, Code 2005, as amended by 2006 Iowa Acts, House
29 File 2644, section 5, is amended to read as follows:

30 Payment by the state of a savings refund on amounts of up
31 to two thousand dollars per calendar year that an account
32 holder deposits in the account holder's account. Moneys
33 transferred to an individual development account from another
34 individual development account and a savings refund received
35 by the account holder in accordance with this section 541A-3

1 shall not be considered an account holder deposit for purposes
2 of determining a savings refund. Payment of a savings refund
3 either shall be made directly to the account holder or to an
4 operating organization's central reserve account for later
5 distribution to the account holder in the most appropriate
6 manner as determined by the administrator. The state savings
7 refund shall be the indicated percentage of the amount
8 deposited:

9 Sec. 129. Section 602.8102, subsection 38, Code Supplement
10 2005, is amended by striking the subsection.

11 Sec. 130. 2006 Iowa Acts, House File 2238, section 2,
12 subsection 1, paragraph d, is amended to read as follows:

13 d. Of the amount allocated to eligible services providers
14 under paragraph "c", 70 percent shall be distributed to the
15 state's accredited community mental health centers established
16 or designated by counties in accordance with law or
17 administrative rule. If a county has not established or
18 designated a community mental health center and has received a
19 waiver from the mental health and, mental retardation,
20 developmental disabilities, and brain injury commission, the
21 mental health services provider designated by that county is
22 eligible to receive funding distributed pursuant to this
23 paragraph in lieu of a community mental health center. The
24 funding distributed shall be used by recipients of the funding
25 for the purpose of developing and providing evidence-based
26 practices and emergency services to adults with a serious
27 mental illness and children with a serious emotional
28 disturbance. The distribution amounts shall be announced at
29 the beginning of the federal fiscal year and distributed on a
30 quarterly basis according to the formulas used in previous
31 fiscal years. Recipients shall submit quarterly reports
32 containing data consistent with the performance measures
33 approved by the federal substance abuse and mental health
34 services administration.

35 Sec. 131. CONTINGENT REPEAL -- IPERS. The section of 2006

1 Iowa Acts, House File 2245, amending section 97B.1A,
2 subsection 24, paragraph "c", is repealed if the section of
3 2006 Iowa Acts, House File 729, amending section 97B.1A,
4 subsection 24, paragraph "c", is enacted.

5 Sec. 132. 2006 Iowa Acts, House File 2713, as enacted, is
6 amended by adding the following new section:

7 SEC. 23A. Section 256F.4, subsection 8, Code 2005, is
8 amended to read as follows:

9 8. A charter school may enter into contracts in accordance
10 with chapter ~~73A~~ 38.

11 Sec. 133. COLLABORATIVE EDUCATIONAL FACILITY -- CODE
12 EDITOR DIRECTIVE. The Code editor shall codify the provisions
13 of 2006 Iowa Acts, House File 864, notwithstanding that the
14 Act was drafted to the Code 2005 rather than to the Code
15 Supplement 2005. The provisional numbering in that Act in
16 section 423.3 of new subsection 85 and in section 423.4 of new
17 subsection 4 used subsection numbers that were not assigned in
18 the Code 2005 and their use in that Act does not imply that
19 the subsections in sections 423.3 and 423.4, Code Supplement
20 2005, with those same subsection numbers, are in any way
21 affected. In addition, the Code editor, under the authority
22 of section 2B.13 relating to the correction of internal
23 references to sections which have been repealed, shall insert
24 before the references to chapter 504A in sections 2 and 3 of
25 that Act the words "former chapter".

26 Sec. 134. EFFECTIVE DATE -- RETROACTIVE APPLICABILITY.
27 The section of this division of this Act amending section
28 99G.30A, being deemed of immediate importance, takes effect
29 upon enactment and is retroactively applicable to March 20,
30 2006.

31 EXPLANATION

32 This bill makes, reduces, and transfers appropriations,
33 provides for fees, and covers other properly related matters.
34 The bill is organized into divisions.

35 MH/MR/DD ALLOWED GROWTH FUNDING. This division

1 appropriates funding for FY 2007-2008 for distribution to
2 counties for allowed growth in mental health, mental
3 retardation, and developmental disabilities services
4 expenditures and to expand services to persons with brain
5 injury. The allocation for brain injury services includes
6 contingent language for transfer of the allocation to the Iowa
7 department of public health in the event 2006 Iowa Acts, House
8 File 2772, is enacted into law.

9 STANDING APPROPRIATIONS. This division limits the standing
10 unlimited appropriations for FY 2006-2007 made for the
11 following purposes: substance abuse treatment and prevention,
12 instructional support state aid, at-risk children programs,
13 payment of nonpublic school transportation, the educational
14 excellence program to improve teacher salaries, and state
15 share of peace officers' retirement benefits.

16 In addition, for FY 2006-2007, the following property tax
17 credits are funded from the property tax credit fund created
18 in the division instead of the general fund of the state:
19 homestead, agricultural land and family farm, military
20 service, and elderly and disabled tax credit and
21 reimbursement.

22 For the budget process applicable to FY 2007-2008, state
23 agencies are required to submit estimates and other
24 expenditure information as called for by the director of the
25 department of management after consultation with the director
26 of management instead of the information required under
27 section 8.23.

28 The appropriations made for expenses of the general
29 assembly are reduced by \$1,267,106.

30 Code section 257.35, relating to state aid to schools
31 provided for area education agencies, is amended to continue a
32 reduction in that funding of \$8 million for FY 2006-2007. The
33 amount of the reduction for each area education agency will be
34 prorated based upon the reduction in the state aid that the
35 agency received in FY 2003-2004.

1 A directive that the state general fund surplus for FY
2 2005-2006 is to be transferred to the cash reserve fund in
3 2005 Iowa Acts, chapter 179, section 7, is stricken. This
4 provision is effective upon enactment.

5 The contingent appropriation under Code section 8.57,
6 subsection 1, of up to 1 percent of the adjusted revenue
7 estimate for FY 2006-2007 from the state general fund to the
8 cash reserve fund in the event the FY 2005-2006 ending balance
9 distribution was insufficient to bring the fund to the
10 designated level shall not be made for FY 2006-2007.

11 The division also provides that the revenue estimate
12 determined by the revenue estimating conference on March 24,
13 2006, is to be used in lieu of the revenue estimate of
14 December 2005 in determining the state general fund
15 expenditure limitation for FY 2006-2007 budget purposes.

16 SALARIES, COMPENSATION, AND RELATED MATTERS. This division
17 relates to the funding for the fiscal year beginning July 1,
18 2006, of salary increases for state appointed nonelected
19 officers, justices, judges, magistrates, employees subject to
20 collective bargaining agreements, and certain noncontract
21 employees. The division includes an appropriation to the
22 salary adjustment fund to pay for the salary adjustments for
23 judicial and executive branch employees other than state board
24 of regents employees.

25 The division provides supplemental authorization to fund
26 salaries from trust, revolving, and special funds for which
27 the general assembly has established a budget.

28 The division provides for extending the sick leave
29 conversion program under the collective bargaining agreement
30 that covers the greatest number of state employees and that
31 affects sick leave accrual and allows sick leave conversion
32 and use upon retirement for payment of certain health
33 insurance premiums to nonregents employees in the executive
34 branch who are not covered by a collective bargaining
35 agreement.

1 Code section 421.1A, concerning the property assessment
2 appeal board, is amended to provide that members of the board
3 shall be considered state employees for purposes of salary and
4 benefits. Current law provides that board members shall not
5 be considered state employees.

6 The division also makes changes concerning the public
7 broadcasting division of the department of education. The
8 division provides that the public broadcasting board shall set
9 the salary of the administrator of the division within the
10 range established in the division. Current law provides that
11 the governor sets the administrator's salary.

12 Code section 256.82, concerning the public broadcasting
13 board, is amended to provide that the member appointed by the
14 state board of regents need not be knowledgeable about
15 telecommunications.

16 Code section 256.84, concerning the board's powers, is also
17 amended by the division. Provisions allowing the board and
18 the division to arrange for joint use of available services
19 and facilities and requiring the board to adopt and update a
20 design plan for educational and telecommunications systems in
21 the state are eliminated by the division. Code section 256.89
22 concerning the state plan is also repealed by the division.
23 Code section 256.84 is also amended to provide that the board
24 may select programming, content partners, and other
25 contractual services without using a competitive selection or
26 performance measure process. Contractual services included in
27 this exception are those related to program production and
28 instructional and educational media. In addition, Code
29 section 256.84 is amended to provide that the board shall
30 approve for submission the public broadcasting division's
31 budget.

32 OTHER APPROPRIATIONS AND RELATED MATTERS. This division
33 makes numerous appropriations or reductions in appropriations
34 for FY 2006-2007 and involves related matters as follows:

35 To the department of cultural affairs, \$5,000 is

1 appropriated for a study of arts education and enrichment
2 programming for school-age children.

3 To the veterans trust fund, \$4.5 million is appropriated
4 from the state general fund.

5 To the department of veterans affairs, \$1 million is
6 appropriated for a county grant program for providing improved
7 services for veterans.

8 To the Iowa law enforcement academy, \$25,000 is
9 appropriated from the state general fund for equipment and
10 furnishings.

11 To the offices of governor and lieutenant governor from the
12 state general fund to increase the appropriations made for FY
13 2006-2007 in 2006 Iowa Acts, House File 2521, if enacted, for
14 Terrace Hill quarters by \$22,676 and for membership dues in
15 the national governors association by \$16,207.

16 To the department of natural resources, \$80,000 is
17 appropriated from the manure storage indemnity fund to assist
18 the department in modifying its computer database in order to
19 assist persons required to submit and pay fees relating to
20 updated manure management plans over a scheduled period of up
21 to four years. This appropriation is contingent upon the
22 enactment of legislation to provide for such four-year
23 schedule. The department is required to repay the
24 appropriation to the fund over four fiscal years.

25 The division appropriates \$200,000 for FY 2007-2008 to the
26 state board of regents for allocation to the university of
27 northern Iowa for the real estate education program. This
28 appropriation is contingent upon the enactment of legislation
29 to appropriate fees credited to the real estate education fund
30 to the real estate commission in lieu of the state board of
31 regents.

32 The division transfers \$2.8 million to the state board of
33 regents from moneys appropriated for FY 2005-2006 which would
34 otherwise revert. The moneys transferred are to be
35 distributed in FY 2006-2007.

1 The division increases the appropriation made in 2006 Iowa
2 Acts, House File 2521, if enacted, to the division on the
3 status of Iowans of Asian and Pacific islander heritage by
4 \$80,000 for salaries, support, maintenance, and miscellaneous
5 purposes and for 1 full-time equivalent position.

6 The division appropriates to the department of cultural
7 affairs, \$85,000 for the African-American historical museum
8 and cultural center of Iowa in Cedar Rapids, and \$250,000 for
9 historical resource development program emergency grants for
10 qualified historic preservation projects in Johnson county;
11 and appropriates to the department of justice for farm
12 mediation services, \$100,000.

13 The division establishes a sustainable natural resource
14 funding advisory committee for the purpose of studying how to
15 provide a sustainable source or sources of funding for natural
16 resources needs in Iowa. The department of natural resources
17 shall provide staffing for the advisory committee. The
18 members are made up of representatives of various natural
19 resource oriented organizations, the director of the
20 department of natural resources, two senators, and two
21 representatives. The committee shall submit a report to the
22 governor and the general assembly by January 10, 2007, on what
23 other states do to provide funding, the amount of funding
24 needed, and methods for obtaining such funding.

25 The division strikes the \$17,773,000 appropriation to be
26 made from the state general fund to the endowment for Iowa's
27 health account for FY 2006-2007 which was originally made by
28 2001 Iowa Acts, chapter 174, section 1, subsection 2.

29 Code section 16.100 is amended to transfer moneys in and
30 received for deposit in the housing improvement fund to the
31 housing trust fund. The Iowa finance authority is required to
32 report to the general assembly regarding the status of the
33 trust fund.

34 New Code section 137F.3A is enacted to provide that for
35 fiscal years ending prior to July 1, 2007, the department of

1 inspections and appeals may retain fees imposed on hotels,
2 home food establishments, and on certain food establishments
3 and use the fees retained for costs associated with having the
4 department conduct food inspections in jurisdictions where the
5 applicable municipal corporation fails to conduct the
6 inspections on or after July 1, 2005, but prior to July 1,
7 2007. The section takes effect upon enactment and applies
8 retroactively to July 1, 2005. The section is repealed July
9 1, 2007.

10 Code section 256D.5, subsection 4, is amended to extend
11 through FY 2006-2007 the \$29.25 million appropriation for the
12 Iowa early intervention block grant program.

13 The division transfers up to \$50,000 from the \$2 million
14 appropriated to the home ownership assistance program in 2005
15 Iowa Acts, chapter 175, section 4, subsection 4, as enacted by
16 2006 Iowa Acts, House File 2080, section 3, for the enduring
17 families program of the department of public defense.

18 Intent language is expressed that the general assembly
19 appropriate moneys from the state general fund for each fiscal
20 year of the fiscal period beginning July 1, 2007, and ending
21 June 30, 2010, to the housing trust fund.

22 Intent language is also expressed that the general assembly
23 appropriate moneys from the state general fund for the world
24 food prize for FY 2007-2008 and FY 2008-2009.

25 MISCELLANEOUS STATUTORY CHANGES. This division provides
26 miscellaneous statutory changes.

27 Code section 7D.29 is amended to allow the executive
28 council to review requests from the Iowa department of public
29 health relative to the purchase, storing, and distribution of
30 vaccines and medication for prevention, prophylaxis, or
31 treatment. The executive council may approve the request and
32 incur the necessary expense from moneys in the state treasury
33 not otherwise appropriated. This provision takes effect upon
34 enactment.

35 Code section 15E.208 is amended to provide for the

1 forgiveness of the repayment of the loan plus interest which
2 was assigned to the department of economic development during
3 the 2003 calendar year. The loan had been made by an Iowa
4 agricultural industry finance corporation pursuant to the Iowa
5 agricultural industry finance Act in Code sections 15E.201
6 through 15E.211.

7 New Code section 15G.119, subsection 4, paragraph "c", if
8 enacted by 2006 Iowa Acts, House File 2759, which provides for
9 the nonreversion of moneys in the renewable fuel
10 infrastructure fund, is amended to provide for the reversion
11 of moneys appropriated to the fund that are not encumbered or
12 obligated at the end of FY 2011-2012.

13 Code section 22.7, as amended by 2006 Iowa Acts, House File
14 2706, if enacted, is amended by including as part of the
15 confidentiality exception to the Iowa public records law
16 charitable donations made to a foundation acting solely for
17 the support of a community college.

18 Code section 22.7 is amended by enacting two new
19 subsections to provide an exemption from the open records law
20 for individually identifiable client information in a homeless
21 management information system and also to provide an exemption
22 for certain specific types of information contained in records
23 relating to housing assistance.

24 Code sections 29A.28 and 29A.43 are amended to provide that
25 members of the civil air patrol are treated similarly to
26 members of the national guard and reserves and are granted a
27 leave of absence without penalty from their jobs for civil air
28 patrol duty.

29 Code section 29A.40 is amended to increase the penalty for
30 false wearing of a military uniform from a simple to a serious
31 misdemeanor.

32 Code section 29C.8 is amended to change the reference to
33 urban search and rescue teams to homeland security and
34 emergency response teams and to provide that such teams may be
35 deployed to support an interstate assistance request under the

1 emergency management assistance compact described in Code
2 section 29C.21. The amended section is also amended to
3 provide that a member of such a team will be considered a
4 state employee for purposes of the compact if the member is
5 registered with the homeland security and emergency management
6 division on an approved team. The amended section also
7 requires approved teams to establish standards for membership
8 and keep updated lists of members. Finally, the amended
9 section provides that the department of administrative
10 services shall process claims for injury or loss by team
11 members and that funding shall be sought from the executive
12 council.

13 Code section 29C.20 is also amended to reflect the change
14 in reference to homeland security and emergency response
15 teams.

16 Code section 35A.9 is amended to provide that all funds
17 received, including any lease payments or funds generated from
18 activity engaged in on the property, are to be deposited into
19 an account dedicated to the establishment, operation, and
20 maintenance of the veterans cemetery.

21 Code section 35A.13, relating to the veterans trust fund,
22 is amended by enacting a new subsection 5A to express the
23 intent of the general assembly that beginning with FY 2007-
24 2008 annual appropriations be made to the fund and subsection
25 6 is rewritten to list the purposes for which moneys in the
26 fund may be used. A new subsection 6A is enacted that
27 provides for the commission to notify the general assembly for
28 its review if the commission identifies other purposes for
29 which moneys could be used to benefit veterans and their
30 families.

31 Code section 68B.32A in part provides that the ethics and
32 campaign disclosure board assign confidential signature codes
33 for persons who file reports and statements electronically.
34 The division amends Code section 68B.32A to provide that the
35 person who files the reports and statements is responsible for

1 keeping the assigned signature codes confidential. The
2 amendment also excludes signature codes from state information
3 technology requirements concerning periodic changes of these
4 codes.

5 New Code section 70A.15 is created to allow certain
6 governmental employees to contribute to an eligible charity
7 through a payroll deduction. The new Code section provides
8 that employees of a school district, county, or city may
9 request a payroll deduction from their wages for purposes of
10 contributing to an eligible charitable organization. The new
11 Code section defines an eligible charitable organization as a
12 not-for-profit federation of health and human services, social
13 welfare, or environmental agencies that is exempt under
14 section 501(c)(3) of the Internal Revenue Code, has had an
15 office in this state for five years, is governed by a board,
16 represents at least 10 agencies, is not a charitable
17 foundation, and is registered with the secretary of state's
18 office.

19 Code section 103A.10 is amended to apply the state building
20 code to all newly constructed buildings and structures the
21 construction of which is paid for in whole or in part with
22 moneys appropriated by the state but not wholly owned by the
23 state.

24 New Code section 103A.10A is enacted to require plan
25 reviews and inspections for state-owned buildings, state board
26 of regents-owned buildings, and buildings the construction of
27 which is paid for in whole or in part with moneys appropriated
28 by the state but not wholly owned by the state. The state
29 building code commissioner is required to establish by rule
30 fees for plan reviews and inspections and also the proper
31 qualifications for persons required to perform inspections.

32 Code section 123.47 is amended to provide that it shall be
33 unlawful for a person who owns, leases, or has control of
34 property that is not a licensed premises to permit any person,
35 knowing or having reasonable cause to believe the person to be

1 under legal age, to consume or possess on the property any
2 alcoholic liquor, wine, or beer. A violation of this
3 provision would be a serious misdemeanor punishable by a
4 minimum fine of \$500.

5 Code section 147.106, relating to billing procedures
6 utilized by referring clinical laboratories providing anatomic
7 pathology services, is amended to provide that a laboratory of
8 a physician's office or group practice that ordered the
9 services may be presented a claim, bill, or demand for payment
10 if a physician in the office or practice is performing the
11 professional component of the services.

12 Code section 225C.48 is amended to harmonize the membership
13 of the personal assistance and family support services council
14 if both 2006 Iowa Acts, House File 845 and Senate File 2217
15 are enacted. The harmonization adopts the provision of House
16 File 845 that makes all 11 appointees gubernatorial appointees
17 rather than some members being appointed by legislative
18 leaders, as well as making five council appointees family
19 members of an individual with a disability. The harmonization
20 adopts the new name of the council, certain consumer member
21 qualifications, and member expense and stipend provisions of
22 Senate File 2271.

23 Code section 232.147, as amended by 2006 Iowa Acts, House
24 File 2651, establishes the persons or agencies that may have
25 access to official juvenile court records through the internet
26 or in an electronic customized data report prior to a child
27 being adjudicated delinquent.

28 Code section 232.149A, as amended by 2006 Iowa Acts, House
29 File 2651, allows the state public defender to have access to
30 official juvenile court records subject to a confidentiality
31 order.

32 New Code section 257.12 is enacted that provides for
33 additional state foundation aid for a school district, if
34 property originally assessed at \$5 million dollars is reduced
35 in value by \$100,000 or 2 percent of the assessed value of the

1 taxable property in the district, whichever is less. The
2 amount of state aid is the difference between the state aid
3 received based upon the original assessed value and the amount
4 of state aid that would have been received based upon the
5 reduced assessed value.

6 Code section 275.15 is amended to allow any person to
7 appeal a decision of the area education agency board regarding
8 boundaries to the state board of education.

9 2006 Iowa Acts, House File 2713, repeals Code sections
10 384.95 and 384.96 pertaining to city bid-letting procedures in
11 favor of the new bidding procedures in new Code chapter 38,
12 and strikes references to these repealed sections in Code
13 section 314.1. With the striking of the references to these
14 repealed sections, Code section 314.1 retains a \$50,000 bid
15 threshold amount for highway, bridge, and culvert improvements
16 in cities with a population of more than 50,000, but no longer
17 contains a bid threshold amount for cities with a population
18 of 50,000 or less. New Code chapter 38 does not apply to
19 cities for these road-related improvements. This amendment to
20 Code section 314.1 restores the \$25,000 bid threshold for such
21 improvements, excluding emergency work, for the lesser
22 populated cities. The \$25,000 threshold and emergency work
23 exclusion are taken directly from current Code sections 384.95
24 and 384.96, the Code sections being repealed. Code section
25 314.1 is also amended to require cities that have to let bids
26 to follow the procedures in new Code sections 38.3 through
27 38.13.

28 Code section 352.2 is amended to include in the definition
29 of "farm products" under the county land preservation and use
30 chapter canines from licensed facilities.

31 Code section 421.17, subsection 27, is amended by rewriting
32 the new paragraph "j", if enacted by 2006 Iowa Acts, House
33 File 2521, to provide that the department of revenue may
34 retain the costs of salaries, support, maintenance, and other
35 services incurred in collecting debts for other state

1 agencies. Also, the department is to include as part of its
2 annual budget request an estimate of the amount of such costs
3 and the amount of debts to be collected.

4 Code section 423.1 is amended to include in the definition
5 of "agricultural production" and "agricultural products" under
6 the state sales and use tax canines from licensed facilities.
7 This amendment will make the sales tax exemptions relating to
8 agricultural production and products applicable to property
9 used for canines from licensed facilities.

10 Code section 427.1, subsection 21A, is rewritten to provide
11 a property tax exemption for dwelling unit property owned and
12 managed by a community housing development organization, as
13 recognized by the state and federal government pursuant to
14 criteria for community housing development organization
15 designation contained in the HOME program of the federal
16 National Affordable Housing Act of 1990, if the organization
17 is also a nonprofit organization exempt from federal income
18 tax and owns and manages more than 150 dwelling units that are
19 located in a city with a population of more than 110,000.

20 New Code section 441.38A is enacted to require a property
21 owner or aggrieved taxpayer that files a protest against the
22 assessment of property valued at \$5 million or more to provide
23 notice to the school district in which the property is
24 located. This provision takes effect beginning with the 2007
25 assessment year.

26 Code section 466A.3, subsection 3, is amended to make the
27 legislative members on the watershed improvement review board
28 ex officio, nonvoting members. Under present law they are
29 voting members.

30 Code section 631.14 is amended to provide that in an action
31 brought in small claims court concerning a residential rental
32 property that is titled in the name of one or more
33 individuals, an employee of one or more of the titled owners
34 or an officer or employee of a property management entity
35 acting on behalf of a titled owner may bring or defend an

1 action in small claims court in the name of the titled owners,
2 the name of the property management entity, or the name by
3 which the property is commonly known. If in such an action
4 either the plaintiff or defendant has been improperly named in
5 the petition, the court shall substitute the correct real
6 party in interest in the action and the action shall not be
7 delayed or dismissed except as necessary to identify and serve
8 the correct parties to the action.

9 The division adds as members of the healthy children task
10 force to be convened pursuant to 2006 Iowa Acts, Senate File
11 2251, a representative of the Iowa podiatric medical society
12 and a representative of the Iowa speech-language hearing
13 association.

14 SETTLEMENT OF STATE FINANCIAL AND TORT CLAIMS. This
15 division relates to the settlement of state financial and tort
16 claims.

17 Code section 8.6, relating to the duties of the director of
18 the department of management, is amended to require the
19 director to designate a position within the department of
20 management to serve as the executive branch's risk management
21 coordinator and delineates the coordinator's duties. Salary
22 and other costs associated with the risk management
23 coordinator are subject to approval of the state appeal board
24 and are required to be paid from either the appropriations to
25 the department of management or the standing appropriation for
26 claims against the state under Code section 25.2.

27 Code section 22.7, relating to the list of records that are
28 kept confidential under the public records law, and Code
29 section 8A.512, relating to the authority of the director of
30 administrative services to settle claims, are amended to
31 change references to Code sections to conform with the changes
32 made in the division.

33 Code section 25.1, relating to receipt, investigation, and
34 reporting for claims against the state or by the state, is
35 amended. Under current law, outdated invoices and divisions

1 and claims for services provided in the same fiscal year in
2 which the claim is filed must be submitted to the agency
3 against whom the claim is made. The division moves the
4 authority for an agency to settle claims to Code section 25.2.
5 The division limits this authority to claims charged to a
6 funding source other than the general fund of the state,
7 providing the funding source does not revert.

8 Code section 25.1 is also amended to provide that Code
9 chapter 25 does not apply to a state tort claim under Code
10 chapter 669.

11 Code section 25.2, relating to claims considered by the
12 state appeal board, is amended. Current law authorizes the
13 board to consider claims of less than 10 years and the
14 division reduces this to claims of less than five years.
15 However, the division allows the appeal board to consider a
16 claim of five years or more provided an error was made by the
17 state or the claim has been disputed for five years or more.

18 Code section 25.2 is also amended to strike provisions
19 regarding the processing of claims involving outdated state
20 warrants that have been outstanding for six months or longer
21 and canceled by the department of administrative services.
22 Under current law, these claims can be addressed by state
23 agencies and addressed by the appeal board if denied by a
24 state agency. Instead the division moves the provisions for
25 addressing outdated warrants that were charged to the general
26 fund of the state to new Code section 556.2C in the Code
27 chapter relating to unclaimed property. The director of the
28 department of administrative services is required to report
29 information concerning outdated warrants to the treasurer of
30 state. The treasurer of state is authorized to include
31 information about the outdated warrants in the abandoned
32 property list annually published by the treasurer of state and
33 placed on the official internet website. If a claim was
34 charged to a federal or other nonstate source that is no
35 longer available, the claim may still be addressed by the

1 state appeal board.

2 Code section 669.3 is amended to authorize the attorney
3 general to act to adjust and settle state tort claims in place
4 of the state appeal board. The board retains the
5 responsibility under current law to adopt rules for the
6 handling, processing, and investigation of claims. The
7 division requires tort claims to be filed with the director of
8 the department of management instead of the state appeal
9 board. Code sections 669.2 and 669.13 are amended to conform
10 with these changes.

11 A requirement in Code section 669.4 for service of notice
12 of a suit against a state employee and allowing the state
13 employee to appear is repealed. Instead, Code section 669.5,
14 relating to when suits are permitted, is amended to provide
15 that if the attorney general certifies that a state employee
16 named as a defendant in a suit was acting within the scope of
17 the employee's office or employment at the time of the
18 incident upon which the claim is based, the state is
19 substituted as the defendant in place of the employee, unless
20 the state was already named as a defendant in the suit. If
21 the attorney general refuses to certify the state employee was
22 acting within the scope of the employee's office or
23 employment, the employee may petition the court to issue that
24 certification.

25 Code sections 669.15 and 669.18 are amended to authorize
26 the attorney general, instead of the state appeal board, to
27 determine attorney fees and expenses and extensions of time
28 for suits.

29 Code section 669.19, relating to claims before the appeal
30 board, is amended to provide the attorney general with
31 authority to investigate each state tort claim instead of the
32 state appeal board. The attorney general may exercise the
33 authority under Code section 25.5, which provides for taking
34 testimony through affidavits and other means, administering
35 oaths, compelling the testimony of witnesses, and certifying

1 to the district court for contempt. The division eliminates
2 language providing that Code chapter 25, relating to other
3 types of state claims, does not apply to Code chapter 669 but
4 allows the attorney general to make certain provisions of Code
5 chapter 25 applicable by agreement with the state appeal
6 board.

7 Code section 669.20, relating to liability insurance, is
8 amended to eliminate a reference to the state appeal board.

9 Code section 669.21, relating to the duty of the state to
10 defend and indemnify a state employee, is amended to provide
11 that the duty does not apply when the state has been
12 substituted as the defendant in place of the employee as
13 provided in the division.

14 CORRECTIVE PROVISIONS. This division makes corrections to
15 legislation enacted or considered during the 2006 regular
16 legislative session.

17 Code section 8A.204, as amended by 2006 Iowa Acts, House
18 File 2705, is amended to correct a reference to an open
19 meeting to a reference to an open session of a meeting in
20 accordance with Code chapters 8A and 21.

21 Code section 35A.14, as enacted by 2006 Iowa Acts, Senate
22 File 2312, is amended to grammatically correct the
23 appropriation language relating to the injured veterans trust
24 fund to make the language operative to allow for use of the
25 moneys in the fund for injured veterans grants without further
26 action of the general assembly.

27 Code section 70A.23, subsection 3, as enacted by 2006 Iowa
28 Acts, Senate File 2231, is amended to make a grammatical
29 correction to a sentence by removing the words "to be".

30 Code section 91.4, subsection 9, as amended by 2006 Iowa
31 Acts, House File 2586, is amended to correct the placement of
32 a comma.

33 New Code section 99G.30A, as enacted by 2006 Iowa Acts,
34 Senate File 2330, is amended to provide that the excise tax on
35 monitor vending machines is not imposed on or after 45 days

1 following the effective date of the bill, but is imposed after
2 the 45 days. This allows the machines to be operated on that
3 45th day without the excise tax applying on that day. The new
4 Code section is also amended with regard to the administration
5 of the excise tax in a manner similar to the sales tax. The
6 new language corrects and modifies the collection procedures
7 for the monitor vending machine excise tax. This provision
8 applies retroactively to March 20, 2006.

9 Code section 123.3, as amended by 2006 Iowa Acts, Senate
10 File 2305, is amended to correct a grammatical construction by
11 specifying that the minimum alcohol content of five percent of
12 wine is by weight.

13 Code section 124.506A, as enacted by 2006 Iowa Acts, House
14 File 2696, relates to the destruction of large quantities of
15 controlled substances seized by law enforcement. The new Code
16 section is amended to correct language that states that
17 controlled substances were seized by law enforcement in
18 violation of law. The language should read that the
19 controlled substances were seized by law enforcement as a
20 result of a violation of law.

21 Code section 266.27, as amended by 2006 Iowa Acts, Senate
22 File 2253, is amended to correct a reference as to when a
23 federal Act was approved.

24 Code section 331.756, relating to the duties of the county
25 attorney, is amended to strike subsection 44, which requires
26 the county attorney to investigate the financial condition of
27 a person under commitment proceedings to the state psychiatric
28 hospital. Under 2006 Iowa Acts, Senate File 2341, section 3,
29 this responsibility has been shifted to the county board of
30 supervisors.

31 Code section 455G.31, as enacted by 2006 Iowa Acts, House
32 File 2754, is amended to correct a reference to the state fire
33 marshal's regulatory authority relating to gasoline storage
34 and dispensing infrastructure. The amendment deletes the
35 reference to the state fire marshal's authority in division II

1 of Code chapter 101 and thereby broadens the reference to the
2 entire Code chapter.

3 Code section 541A.3, as amended by 2006 Iowa Acts, House
4 File 2644, is amended to correct an internal reference
5 referring to Code section 541A.3 itself.

6 Code section 602.8102, relating to the duties of the clerk
7 of the district court, is amended to strike subsection 38,
8 which requires the clerk to order the commitment of a
9 voluntary public patient to the state psychiatric hospital
10 under certain circumstances. Under 2006 Iowa Acts, Senate
11 File 2341, section 5, this responsibility has been shifted to
12 the county board of supervisors.

13 2006 Iowa Acts, House File 2238, the federal block grant
14 appropriations bill, is amended to correct a reference to the
15 mental health, mental retardation, developmental disabilities,
16 and brain injury commission in a provision relating to the
17 community mental health services block grant.

18 Code section 97B.1A, subsection 24, paragraph "c",
19 establishes the three-year average covered wage for certain
20 employees under the Iowa public employees' retirement system.
21 House File 2245 strikes this provision, but House File 729
22 strikes and inserts an alternative three-year average covered
23 wage. In order to preserve the alternative in the latter
24 bill, this bill provides that the mere strike in House File
25 2245 is repealed if the strike and insert in House File 729 is
26 enacted.

27 2006 Iowa Acts, House File 2713, establishes construction
28 bidding procedures for public improvement contracts for public
29 school corporations and other governmental entities. The Act
30 is amended to provide that a charter school, like a public
31 school corporation, may enter into a contract under the new
32 Code chapter relating to construction bidding procedures,
33 rather than under current Code chapter 73A, which will no
34 longer be applicable to public school corporations.

35 2006 Iowa Acts, House File 864, was drafted in 2005 to the

1 2005 Code with provisional Code subsection numbers that
2 correspond to numbers also used in the 2005 Code Supplement.
3 The bill requires the Code editor to codify House File 864 as
4 passed, specifying that the corresponding subsection numbers
5 in the 2005 Code Supplement are not affected by the House
6 File. The bill also directs the Code editor to correct two
7 references in the House File to Code chapter 504A, which has
8 been repealed, by referring to the chapter as former Code
9 chapter 504A.

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HOUSE FILE 2797

H-8601

1 Amend House File 2797 as follows:

2 1. Page 36, by inserting after line 34 the
3 following:

4 "Sec. _____. Section 99F.15, subsection 1,
5 paragraphs a and b; Code 2005, are amended to read as
6 follows:

7 a. Operating a gambling excursion or racetrack
8 enclosure where wagering is used or to be used without
9 a license issued by the commission.

10 b. Operating a gambling excursion or racetrack
11 enclosure where wagering is permitted other than in
12 the manner specified by section 99F.9.

13 Sec. _____. Section 99F.15, subsection 4, unnumbered
14 paragraph 1, Code 2005, is amended to read as follows:

15 A person commits a class "D" felony and, in
16 addition, shall be barred for life from excursion
17 gambling boats and racetrack enclosures conducting
18 gambling games under the jurisdiction of the
19 commission, if the person does any of the following:

20 Sec. _____. Section 99F.15, subsection 4, paragraphs
21 a and b, Code 2005, are amended to read as follows:

22 a. Offers, promises, or gives anything of value or
23 benefit to a person who is connected with an excursion
24 gambling boat or racetrack enclosure operator
25 including, but not limited to, an officer or employee
26 of a licensee or holder of an occupational license
27 pursuant to an agreement or arrangement or with the
28 intent that the promise or thing of value or benefit
29 will influence the actions of the person to whom the
30 offer, promise, or gift was made in order to affect or
31 attempt to affect the outcome of a gambling game, or
32 to influence official action of a member of the
33 commission.

34 b. Solicits or knowingly accepts or receives a
35 promise of anything of value or benefit while the
36 person is connected with an excursion gambling boat or
37 racetrack enclosure including, but not limited to, an
38 officer or employee of a licensee, or holder of an
39 occupational license, pursuant to an understanding or
40 arrangement or with the intent that the promise or
41 thing of value or benefit will influence the actions
42 of the person to affect or attempt to affect the
43 outcome of a gambling game, or to influence official
44 action of a member of the commission."

45 2. By renumbering as necessary.

By HUSER of Polk

H-8601 FILED MAY 2, 2006

WITHDRAWN

HOUSE FILE 2797

H-8602

1 Amend House File 2797 as follows:

2 1. Page 42, by inserting before line 32 the
3 following:

4 "Sec. ____ . NEW SECTION. 303.91 IOWA ZOO FUND.

5 1. An Iowa zoo fund is created in the office of
6 the treasurer of state. The fund is composed of
7 moneys appropriated or available to and obtained or
8 accepted by the treasurer of state for deposit in the
9 fund. The fund shall include moneys transferred to
10 the fund as provided in section 422.12G. All interest
11 earned on moneys in the fund shall be credited to and
12 remain in the fund. Section 8.33 does not apply to
13 moneys in the fund.

14 2. Moneys in the fund that are authorized by the
15 department of cultural affairs for expenditure are
16 appropriated, and shall be used, to provide grants to
17 qualified zoos located in the state. To be qualified
18 to receive a grant from the Iowa zoo fund, a zoo must
19 not be used primarily as a research institution and
20 must be accredited by the American zoo and aquarium
21 association.

22 3. The department may authorize payment of moneys
23 from the fund upon approval of an application from a
24 private or public organization that maintains and
25 operates a zoo in the state. The applicant shall show
26 proof of accreditation by the American zoo and
27 aquarium association. The applicant shall also
28 indicate the annual attendance at the zoo in the
29 calendar year preceding the calendar year in which the
30 application is filed with the department.

31 4. Moneys distributed from the fund to qualified
32 applicants shall be prorated among the qualified
33 applicants in the proportion that annual attendance at
34 each zoo that is the subject of an application bears
35 to the total annual attendance at all zoos for which
36 an application was received and approved for funding.

37 5. The department shall establish rules relating
38 to the application process."

39 2. Page 44, by inserting after line 20 the
40 following:

41 "Sec. ____ . NEW SECTION. 422.12G INCOME TAX
42 REFUND CHECKOFF FOR IOWA ZOO FUND.

43 1. A person who files an individual or a joint
44 income tax return with the department of revenue under
45 section 422.13 may designate one dollar or more to be
46 paid to the Iowa zoo fund as created in section
47 303.91. If the refund due on the return or the
48 payment remitted with the return is insufficient to
49 pay the additional amount designated by the taxpayer
50 to the Iowa zoo fund, the amount designated shall be

H-8602

1 reduced to the remaining amount of refund or the
2 remaining amount remitted with the return. The
3 designation of a contribution to the Iowa zoo fund
4 under this section is irrevocable.

5 2. The director of revenue shall draft the income
6 tax form to allow the designation of contributions to
7 the Iowa zoo fund on the tax return. The department
8 of revenue, on or before January 31, shall transfer
9 the total amount designated on the tax return forms
10 due in the preceding calendar year to the Iowa zoo
11 fund. However, before a checkoff pursuant to this
12 section shall be permitted, all liabilities on the
13 books of the department of revenue and accounts
14 identified as owing under section 421.17 and the
15 political contribution allowed under section 68A.601
16 shall be satisfied.

17 3. The department of cultural affairs may
18 authorize payment of moneys from the Iowa zoo fund, in
19 accordance with section 303.91.

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

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

24 3. Page 47, by inserting after line 5 the
25 following:

26 " ____ . The sections of this division of this Act
27 enacting sections 303.91 and 422.12G apply
28 retroactively to January 1, 2006, for tax years
29 beginning on or after that date."

30 4. By renumbering, redesignating, and correcting
31 internal references as necessary.

By HUNTER of Polk

HOUSE FILE 2797

H-8603

1 Amend House File 2797 as follows:

2 1. Page 36, by inserting after line 34 the
3 following:

4 "Sec. ____ . NEW SECTION. 70A.29A REPRISALS
5 PROHIBITED -- EMPLOYEES -- PENALTY -- CIVIL REMEDIES.

6 1. DEFINITIONS. As used in this section, unless
7 the context otherwise requires:

8 a. "Employee" means a person employed by the state
9 including but not limited to a person employed by the
10 general assembly and a person employed by the state
11 board of regents, by a political subdivision of the
12 state, or by a government-funded contractor.

13 "Employee" includes but is not limited to an
14 accountant, administrative assistant, construction
15 worker, day care worker, health care worker, social
16 worker, teacher, and full-time or part-time
17 legislative employee who are employed by the state, a
18 political subdivision of the state, or a
19 government-funded contractor.

20 b. "Government-funded contractor" means a person
21 receiving state or federal funds under a service
22 contract as provided in section 8.47.

23 2. An employee, who reasonably believes that a
24 particular practice the employee has observed
25 occurring at the employee's place of employment is a
26 violation of laws or regulations applicable to the
27 employee's employer, is a breach of public safety that
28 may result in harm to consumers or citizens, or is in
29 violation of employee professional standards of care
30 or professional codes of ethics, may report the
31 violation or breach to the employee's supervisor or
32 employer so that corrective action may be taken. A
33 report pursuant to this subsection shall be made
34 within fourteen days of the occurrence of the
35 violation or breach. An employee making a report
36 shall be protected against reprisals or retaliatory or
37 punitive action by the supervisor or employer
38 receiving the report.

39 3. If, after a reasonable period of time for
40 correction of the violation or breach reported
41 pursuant to subsection 2 an employee continues to
42 observe the particular practice that was the subject
43 of the report occurring in the workplace, the employee
44 may disclose information relating to the violation or
45 breach, and the fact that a correction of the
46 violation or breach has not been made, to the office
47 of citizens' aide, a licensing board, if applicable, a
48 member or employee of the general assembly, the office
49 of the attorney general, any other public official or
50 law enforcement agency, a federal government agency or

H-8603

1 program, the governing board of the employee's
2 employer, the employee's professional association or
3 collective bargaining unit, or the media. The
4 employee shall be protected against reprisals or
5 retaliatory or punitive action by the supervisor or
6 employer that received the report if disclosure of the
7 information is not otherwise prohibited by law and
8 informs state agencies or entities of a violation of
9 state law or regulation, or is reasonably believed by
10 the employee to be a violation of law or regulation or
11 a breach of public safety that may lead to an adverse
12 event to consumers or citizens, based upon employee
13 professional standards of care or professional codes
14 of ethics.

15 4. An employee disclosing information in good
16 faith pursuant to subsection 2 or 3 is presumed to
17 have established a prima facie case showing a
18 violation of the protections against reprisals or
19 retaliatory or punitive action by the employee's
20 employer if the supervisor or employer knows or has
21 reason to know of the disclosure, and if subsequent to
22 and as a result of the disclosure, one or more of the
23 following actions were initiated by the employer:

- 24 a. Discharge of the employee from employment.
- 25 b. Failure by the employer to take action
26 regarding an employee's appointment, promotion or
27 proposed promotion, or receipt of any advantage or
28 benefit in the employee's position of employment.
- 29 c. An adverse change to the employee's terms or
30 conditions of employment or any administrative, civil,
31 or criminal action or other effort that diminishes the
32 professional competence, reputation, stature, or
33 marketability of the employee.

34 The employer has the burden to prove that actions
35 taken pursuant to this subsection were for a
36 legitimate business purpose.

37 5. If a supervisor or employer is determined to
38 have violated state laws or regulations, or
39 professional standards of care or professional codes
40 of ethics after a disclosure pursuant to subsection 2
41 or 3 results in an action as described in subsection
42 4, such a determination shall create a presumption of
43 retaliation or reprisal against the employee in
44 violation of this section.

45 6. A person who violates this section commits a
46 simple misdemeanor and is subject to civil action, as
47 follows:

- 48 a. An employer who violates this section is liable
49 to an aggrieved employee for affirmative relief,
50 including reinstatement with or without pay, or any

1 other equitable relief the court deems appropriate,
2 including attorney fees and costs, punitive damages,
3 and public notice of the retaliation or reprisal
4 undertaken against the employee through publication in
5 an official newspaper in the city or county.

6 b. When a person commits, is committing, or
7 proposes to commit an act in violation of this
8 section, an injunction may be granted through an
9 action in district court to prohibit the person from
10 continuing such act. The action for injunctive relief
11 may be brought by an aggrieved employee or by the
12 county attorney.

13 7. In addition to any other penalties applicable
14 for violation of this section, an employer of an
15 employee who violates this section with respect to
16 another employee of the employer shall be subject to a
17 civil penalty in the amount of one thousand dollars
18 per violation.

19 8. The provisions of this section are in addition
20 to, and not in lieu of, any other provisions of law
21 applicable to disclosures of information by
22 employees."

23 2. By renumbering as necessary.

By WISE of Lee
PETERSEN of Polk

HOUSE FILE 2797

H-8605

1 Amend House File 2797 as follows:

2 1. Page 35, by inserting after line 12 the
3 following:

4 "Sec. ____ . NEW SECTION. 68A.407 DISCLOSURES
5 RELATED TO POLITICAL TELEPHONE CALLS.

6 1. A candidate, an authorized representative of a
7 candidate, a candidate's committee, a political
8 committee, or an individual who is acting on behalf of
9 any of the above and who engages in a telephone
10 communication that identifies by name a candidate
11 shall disclose all of the following by the end of the
12 telephone call:

13 a. The identity of the individual who is calling
14 and the entity with which the individual is
15 affiliated, if any.

16 b. The individual or entity that paid for the
17 telephone communication. If a candidate's committee
18 or political committee has paid for or authorized the
19 telephone communication, the name of the candidate's
20 committee or political committee shall be disclosed.
21 If any person other than a candidate's committee or
22 political committee has paid for or authorized the
23 telephone communication, the communication shall also
24 disclose whether or not the communication has been
25 authorized by any candidate and shall disclose whether
26 the communication is an independent expenditure.

27 c. The name, telephone number, and address of an
28 individual whom the call recipient can contact for
29 further information regarding the telephone
30 communication.

31 2. The board shall adopt rules pursuant to chapter
32 17A establishing procedures to administer this
33 section."

34 2. Title page, line 6, by inserting after the
35 word "matters," the following: "including provisions
36 relating to the campaign finance and disclosure law,".

37 3. By renumbering as necessary.

By WISE of Lee

H-8605 FILED MAY 2, 2006

WITHDRAWN

HOUSE FILE 2797

H-8609

1 Amend House File 2797 as follows:

2 1. Page 45, by inserting after line 31 the
3 following:

4 "Sec. _____. Section 483A.8, subsection 1, Code
5 Supplement 2005, is amended to read as follows:

6 1. A resident hunting deer who is required to have
7 a hunting license must have a resident hunting license
8 in addition to the deer hunting license and must pay
9 the wildlife habitat fee. In addition, a resident who
10 purchases a deer hunting license shall pay a one
11 dollar fee that shall be used and is appropriated for
12 the purpose of deer herd population management,
13 including assisting with the cost of processing deer
14 donated to the help us stop hunger program
15 administered by the commission. The deer herd
16 population management fees collected pursuant to this
17 subsection shall not be used to assist with the cost
18 of processing deer for use by the department of
19 corrections.

20 Sec. _____. Section 483A.8, subsection 3, paragraph
21 a, Code Supplement 2005, is amended to read as
22 follows:

23 a. A nonresident hunting deer is required to have
24 a nonresident hunting license and a nonresident deer
25 license and must pay the wildlife habitat fee. In
26 addition, a nonresident who purchases a deer hunting
27 license shall pay a one dollar fee that shall be used
28 and is appropriated for the purpose of deer herd
29 population management, including assisting with the
30 cost of processing deer donated to the help us stop
31 hunger program administered by the commission. The
32 deer herd population management fees collected
33 pursuant to this paragraph shall not be used to assist
34 with the cost of processing deer for use by the
35 department of corrections.

36 Sec. _____. Section 483A.24, subsection 2, paragraph
37 c, Code Supplement 2005, is amended to read as
38 follows:

39 c. Upon written application on forms furnished by
40 the department, the department shall issue annually
41 without fee two deer hunting licenses, one antlered or
42 any sex deer hunting license and one antlerless deer
43 only deer hunting license, to the owner of a farm unit
44 or a member of the owner's family, but only a total of
45 two licenses for both, and to the tenant of a farm
46 unit or a member of the tenant's family, but only a
47 total of two licenses for both. The deer hunting
48 licenses issued shall be valid only for use on the
49 farm unit for which the applicant applies pursuant to
50 this paragraph. The owner or the tenant need not

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Page 2

1 reside on the farm unit to qualify for the free deer
2 hunting licenses to hunt on that farm unit. The free
3 deer hunting licenses issued pursuant to this
4 paragraph shall be valid and may be used during any
5 shotgun deer season. The licenses may be used to
6 harvest deer in two different seasons. In addition, a
7 person who receives a free deer hunting license
8 pursuant to this paragraph shall pay a one dollar fee
9 for each license that shall be used and is
10 appropriated for the purpose of deer herd population
11 management, including assisting with the cost of
12 processing deer donated to the help us stop hunger
13 program administered by the commission. The deer herd
14 population management fees collected pursuant to this
15 paragraph shall not be used to assist with the cost of
16 processing deer for use by the department of
17 corrections."

18 2. By renumbering as necessary.

By REICHERT of Muscatine

H-8609 FILED MAY 2, 2006

NOT GERMANE

HOUSE FILE 2797

H-8610

1 Amend House File 2797 as follows:

2 1. Page 39, by inserting after line 14 the
3 following:

4 "Sec. ____ . Section 135H.3, Code 2005, is amended
5 by adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. A child who is diagnosed
7 with a biologically based mental illness, as defined
8 in section 514C.22, and meets the medical assistance
9 program criteria for admission to a psychiatric
10 medical institution for children, shall be deemed to
11 meet the acuity criteria for inpatient benefits under
12 a group policy, contract, or plan providing for third-
13 party payment or prepayment of health, medical, and
14 surgical coverage benefits issued by a carrier, as
15 defined in section 513B.2, or by an organized delivery
16 system authorized under 1993 Iowa Acts, ch. 158, that
17 is subject to section 514C.22. The treatment and
18 other care provided in a psychiatric institution shall
19 not be considered to be care that is substantially
20 custodial in nature for purposes of section 514C.22."

21 2. Page 43, line 24, by striking the word
22 "requirements" and inserting the following: "contract
23 letting procedures".

24 3. By striking page 57, line 32, through page 59,
25 line 20.

26 4. Page 62, by striking lines 26 through 30.

By RAECKER of Polk

KUHN of Floyd

H-8610 FILED MAY 2, 2006

A-WITHDRAWN B-ADOPTED

HOUSE FILE 2797

H-8613

1 Amend House File 2797 as follows:

2 1. Page 45, by inserting after line 31 the
3 following:

4 "Sec. ____ Section 543B.54, Code 2005, is amended
5 to read as follows:

6 543B.54 REAL ESTATE EDUCATION FUND.

7 1. The Iowa real estate education fund is created
8 as a financial assurance mechanism to assist in the
9 establishment and maintenance of a college credit real
10 estate education program at the university of northern
11 Iowa programs at Iowa community colleges and other
12 Iowa colleges and universities, and to assist the real
13 estate commission in providing an education director.
14 The fund is created as a separate fund in the state
15 treasury, and any funds remaining in the fund at the
16 end of each fiscal year shall not revert to the
17 general fund, but shall remain in the Iowa real estate
18 education fund. Twenty-five dollars per license from
19 fees deposited for each real estate salesperson's
20 license and each broker's license shall be distributed
21 and are appropriated to the board of regents real
22 estate commission for the purpose of establishing and
23 maintaining a real estate education program at the
24 university of northern Iowa a program to provide
25 grants to Iowa community colleges and other Iowa
26 colleges and universities providing programs under
27 this section and using the curriculum maintained by
28 the commission.

29 2. Grants shall be awarded by a grant committee
30 established by the real estate commission. The
31 committee shall consist of seven members: two members
32 of the commission, four members of the Iowa
33 association of realtors, and one member of the public.
34 The commission shall promulgate rules relating to the
35 organization and operation of the committee, which
36 shall include the term of membership, and establishing
37 standards for awarding grants. The members of the
38 committee may be reimbursed for actual and necessary
39 expenses incurred in the performance of their duties
40 but shall not receive a per diem payment. The
41 remaining moneys in the fund shall be distributed and
42 are appropriated to the professional licensing and
43 regulation division of the department of commerce for
44 the purpose of hiring and compensating a real estate
45 education director and regulatory compliance
46 personnel."

47 2. By renumbering as necessary.

By STRUYK of Pottawattamie
HUSER of Polk

H-8613 FILED MAY 2, 2006
WITHDRAWN

HOUSE FILE 2797

H-8614

- 1 Amend House File 2797 as follows:
- 2 1. Page 43, by striking lines 25 through 35.
- 3 2. Page 44, by striking lines 21 through 28.

By D. OLSON of Boone

H-8614 FILED MAY 2, 2006

LOST

HOUSE FILE 2797

H-8615

- 1 Amend the amendment, H-8605, to House File 2797 as
- 2 follows:
- 3 1. Page 1, line 33, by inserting after the word
- 4 "section." the following: "This section shall not
- 5 apply to a bona fide public opinion poll which does
- 6 not attempt, in any way, to influence the recipient of
- 7 the call."

By WISE of Lee

H-8615 FILED MAY 2, 2006

OUT OF ORDER

HOUSE FILE 2797

H-8616

- 1 Amend House File 2797 as follows:
- 2 1. By striking page 38, line 15, through page 39,
- 3 line 14.

By RAECKER of Polk
KUHNS of Floyd

H-8616 FILED MAY 2, 2006

ADOPTED

HOUSE FILE 2797

H-8621

1 Amend House File 2797 as follows:

2 1. Page 7, by striking lines 11 through 15 and
3 inserting the following: "salaries provided for in
4 this section shall be paid from funds appropriated or
5 otherwise made available to the judicial branch
6 pursuant to other Acts of the general assembly."

7 2. Page 8, by inserting after line 11 the
8 following:

9 "4. The collective bargaining agreements
10 negotiated pursuant to chapter 20 for employees in the
11 judicial branch of government bargaining units and the
12 annual pay adjustments, related benefits, and expense
13 reimbursements of judicial branch employees not
14 covered by a collective bargaining agreement shall be
15 paid from funds appropriated or made available to the
16 judicial branch as provided in subsection 1."

17 3. Page 11, line 31, by inserting after the word
18 "regents" the following: "and the judicial branch".

19 4. Page 12, by striking lines 19 through 21.

20 5. Page 14, line 28, by inserting after the word
21 "regents" the following: "and the judicial branch".

22 6. By renumbering as necessary.

By RAECKER of Polk
KUHN of Floyd

H-8621 FILED MAY 2, 2006

ADOPTED

HOUSE FILE 2797

H-8622

1 Amend House File 2797 as follows:

2 1. Page 41, by striking line 6 and inserting the
3 following:

4 "(2) The child's counsel or guardian ad litem."

5 2. Page 41, by inserting after line 14 the
6 following:

7 "(7) The division of criminal and juvenile justice
8 planning of the department of human rights."

By RAECKER of Polk
KUHN of Floyd

H-8622 FILED MAY 2, 2006

ADOPTED

HOUSE FILE 2797

H-8624

1 Amend House File 2797 as follows:

2 1. Page 41, by inserting after line 18 the
3 following:

4 "Sec. ____ . NEW SECTION. 256.24 VOCATIONAL
5 REHABILITATION APPROPRIATION.

6 There is annually appropriated to the division of
7 vocational rehabilitation services for each fiscal
8 year an amount sufficient to provide the maximum funds
9 needed to match the total federal vocational
10 rehabilitation allocation available to the state as
11 certified by the department of education."

12 2. Page 43, by striking lines 25 through 35.

13 3. Page 44, by striking lines 21 through 28.

By WINCKLER of Scott
JOCHUM of Dubuque

H-8624 FILED MAY 2, 2006

WITHDRAWN

HOUSE FILE 2797
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 6681YC)

(As Amended and Passed by the House May 2, 2006)

Passed House, Date _____ Passed Senate, Date 5-3-06
Vote: Ayes _____ Nays _____ Vote: Ayes 47 Nays 2
Approved _____

A BILL FOR

1 An Act relating to state and local finances by providing for
2 funding of property tax credits and reimbursements, by making,
3 increasing, reducing, and transferring appropriations,
4 providing for salaries and compensation of state employees,
5 providing for fees and penalties, providing tax exemptions,
6 and providing for properly related matters, and including
7 effective and retroactive applicability date provisions.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Deleted Language *
House Amendments _____

DIVISION I

MH/MR/DD ALLOWED GROWTH FUNDING

Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ALLOCATIONS -- FISCAL YEAR 2007-2008.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment, as provided in this section in lieu of the provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

..... \$ 43,287,141

2. The funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2007-2008, and is allocated as follows:

a. For distribution to counties for fiscal year 2007-2008 in accordance with the formula in section 331.438, subsection 2, paragraph "b":

..... \$ 12,000,000

b. For deposit in the per capita expenditure target pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:

..... \$ 24,360,548

c. For deposit in the risk pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 2:

..... \$ 2,000,000

d. For expansion of services to persons with brain injury in accordance with the law enacted by the Eighty-first General Assembly, 2006 Session, as law providing for such expansion of services to commence in the fiscal year beginning July 1,

1 2006:

2 \$ 4,926,593

3 If 2006 Iowa Acts, House File 2772, is enacted by the
4 Eighty-first General Assembly, 2006 Session, the allocation
5 made in this lettered paragraph shall be transferred to the
6 Iowa department of public health to be used for the brain
7 injury services program created pursuant to that Act.

8 DIVISION II

9 STANDING APPROPRIATIONS

10 AND REVENUE ESTIMATE

11 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2007-2008.

12 1. For the budget process applicable to the fiscal year
13 beginning July 1, 2007, on or before October 1, 2006, in lieu
14 of the information specified in section 8.23, subsection 1,
15 unnumbered paragraph 1, and paragraph "a", all departments and
16 establishments of the government shall transmit to the
17 director of the department of management, on blanks to be
18 furnished by the director, estimates of their expenditure
19 requirements, including every proposed expenditure, for the
20 ensuing fiscal year, together with supporting data and
21 explanations as called for by the director of the department
22 of management after consultation with the legislative services
23 agency.

24 2. The estimates of expenditure requirements shall be in a
25 form specified by the director of the department of
26 management, and the expenditure requirements shall include all
27 proposed expenditures and shall be prioritized by program or
28 the results to be achieved. The estimates shall be
29 accompanied by performance measures for evaluating the
30 effectiveness of the programs or results.

31 Sec. 3. GENERAL ASSEMBLY. The appropriations made
32 pursuant to section 2.12 for the expenses of the general
33 assembly and legislative agencies for the fiscal year
34 beginning July 1, 2006, and ending June 30, 2007, are reduced
35 by the following amount:

1 \$ 1,267,106

2 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.

3 Notwithstanding the standing appropriations in the following
4 designated sections for the fiscal year beginning July 1,
5 2006, and ending June 30, 2007, the amounts appropriated from
6 the general fund of the state pursuant to those sections for
7 the following designated purposes shall not exceed the
8 following amounts:

9 1. For substance abuse treatment and prevention under
10 section 123.53, subsection 3:

11 \$ 0

12 2. For instructional support state aid under section
13 257.20:

14 \$ 14,428,271

15 3. For at-risk children programs under section 279.51,
16 subsection 1:

17 \$ 11,271,000

18 The amount of any reduction in this subsection shall be
19 prorated among the programs specified in section 279.51,
20 subsection 1, paragraphs "a", "b", and "c".

21 4. For payment for nonpublic school transportation under
22 section 285.2:

23 \$ 8,604,714

24 If total approved claims for reimbursement for nonpublic
25 school pupil transportation claims exceed the amount
26 appropriated in this section, the department of education
27 shall prorate the amount of each claim.

28 5. For the educational excellence program under section
29 294A.25, subsection 1:

30 \$ 55,469,053

31 6. For the state's share of the cost of the peace
32 officers' retirement benefits under section 411.20:

33 \$ 2,745,784

34 Sec. 5. PROPERTY TAX CREDIT FUND -- PAYMENTS IN LIEU OF
35 GENERAL FUND REIMBURSEMENT.

1 1. Notwithstanding section 8.57, prior to the
2 appropriation and distribution to the senior living trust fund
3 and the cash reserve fund of the surplus existing in the
4 general fund of the state at the conclusion of the fiscal year
5 beginning July 1, 2005, and ending June 30, 2006, pursuant to
6 section 8.57, subsections 1 and 2, of that surplus,
7 \$159,868,964 is appropriated to the property tax credit fund
8 which shall be created in the office of the treasurer of state
9 to be used for the purposes of this section.

10 2. Notwithstanding the amount of the standing
11 appropriation from the general fund of the state in the
12 following designated sections and notwithstanding any
13 conflicting provisions or voting requirements of section 8.56,
14 there is appropriated from the property tax credit fund in
15 lieu of the appropriations in the following designated
16 sections for the fiscal year beginning July 1, 2006, and
17 ending June 30, 2007, the following amounts for the following
18 designated purposes:

- 19 a. For reimbursement for the homestead property tax credit
20 under section 425.1:
21 \$102,945,379
- 22 b. For reimbursement for the agricultural land and family
23 farm tax credits under sections 425A.1 and 426.1:
24 \$ 34,610,183
- 25 c. For reimbursement for the military service tax credit
26 under section 426A.1A:
27 \$ 2,773,402
- 28 d. For implementing the elderly and disabled tax credit
29 and reimbursement pursuant to sections 425.16 through 425.40:
30 \$ 19,540,000

31 If the director of revenue determines that the amount of
32 claims for credit for property taxes due plus the amount of
33 claims for reimbursement for rent constituting property taxes
34 paid which are to be paid during the fiscal year may exceed
35 the amount appropriated, the director shall estimate the

1 percentage of the credits and reimbursements which will be
2 funded by the appropriation. The county treasurer shall
3 notify the director of the amount of property tax credits
4 claimed by June 8, 2006. The director shall estimate the
5 percentage of the property tax credit and rent reimbursement
6 claims that will be funded by the appropriation and notify the
7 county treasurer of the percentage estimate by June 15, 2006.
8 The estimated percentage shall be used in computing for each
9 claim the amount of property tax credit and reimbursement for
10 rent constituting property taxes paid for that fiscal year.
11 If the director overestimates the percentage of funding,
12 claims for reimbursement for rent constituting property taxes
13 paid shall be paid until they can no longer be paid at the
14 estimated percentage of funding. Rent reimbursement claims
15 filed after that point in time shall receive priority and
16 shall be paid in the following fiscal year. If the director
17 underestimates the percentage of funding, the overage shall
18 remain in the fund established in section 425.39 for payments
19 to be made in the next fiscal year.

20 Sec. 6. Section 257.35, subsection 4, Code Supplement
21 2005, is amended to read as follows:

22 4. Notwithstanding subsection 1, and in addition to the
23 reduction applicable pursuant to subsection 2, the state aid
24 for area education agencies and the portion of the combined
25 district cost calculated for these agencies for the fiscal
26 year beginning July 1, ~~2005~~ 2006, shall be reduced by the
27 department of management by ~~eleven~~ eight million ~~seven-hundred~~
28 ~~ninety-eight-thousand-seven-hundred-three~~ dollars. The
29 reduction for each area education agency shall be ~~equal-to~~
30 prorated based on the reduction that the agency received in
31 the fiscal year beginning July 1, 2003.

32 Sec. 7. 2005 Iowa Acts, chapter 179, section 7, is amended
33 to read as follows:

34 SEC. 7. CASH RESERVE APPROPRIATION FOR FY 2005-2006. For
35 the fiscal year beginning July 1, 2005, and ending June 30,

1 2006, the appropriation to the cash reserve fund provided in
2 section 8.57, subsection 1, paragraph "a", shall not be made.
3 ~~However, any surplus in the general fund of the state for the~~
4 ~~fiscal year beginning July 1, 2005, and ending June 30, 2006,~~
5 ~~shall be transferred to the cash reserve fund.~~

6 Sec. 8. CASH RESERVE APPROPRIATION FOR FY 2006-2007. For
7 the fiscal year beginning July 1, 2006, and ending June 30,
8 2007, the appropriation to the cash reserve fund provided in
9 section 8.57, subsection 1, paragraph "a", shall not be made.

10 Sec. 9. MARCH 24, 2006, REVENUE ESTIMATE. For use by the
11 general assembly in the budget process and the governor's
12 approval or disapproval of the appropriations bills for the
13 fiscal year beginning July 1, 2006, and for purposes of
14 calculating the state general fund expenditure limitation
15 pursuant to section 8.54 for the fiscal year beginning July 1,
16 2006, the revenue estimate for the fiscal year beginning July
17 1, 2006, that shall be used in the budget process and such
18 calculation shall be the revenue estimate determined by the
19 revenue estimating conference on March 24, 2006,
20 notwithstanding the provision in section 8.22A, subsection 3,
21 that disallows the use of a revenue estimate agreed to at a
22 later meeting that projects a greater amount than the initial
23 estimated amount agreed to in December 2005. This section
24 also authorizes the use of the estimated revenue figures for
25 the purposes or sources designated in section 8.22A,
26 subsection 5.

27 Sec. 10. EFFECTIVE AND APPLICABILITY DATES.

28 1. The section of this division of this Act creating the
29 property tax credit fund, being deemed of immediate
30 importance, takes effect upon enactment.

31 2. The section of this division of this Act relating to
32 the use of the March 24, 2006, revenue estimate, being deemed
33 of immediate importance, takes effect upon enactment and
34 applies retroactively to January 9, 2006.

35 3. The section of this division of this Act amending 2005

1 Iowa Acts, chapter 179, section 7, being deemed of immediate
2 importance, takes effect upon enactment.

3 DIVISION III

4 SALARIES, COMPENSATION, AND RELATED MATTERS

5 Sec. 11. STATE COURTS -- JUSTICES, JUDGES, AND
6 MAGISTRATES.

7 1. The salary rates specified in subsection 2 are for the
8 fiscal year beginning July 1, 2006, effective for the pay
9 period beginning June 30, 2006, and for subsequent fiscal
10 years until otherwise provided by the general assembly. The
11 salaries provided for in this section shall be paid from funds
12 appropriated or otherwise made available to the judicial
13 branch pursuant to other Acts of the general assembly.

14 2. The following annual salary rates shall be paid to the
15 persons holding the judicial positions indicated during the
16 fiscal year beginning July 1, 2006, effective with the pay
17 period beginning June 30, 2006, and for subsequent pay
18 periods.

| | | | |
|----|--|----|---------|
| 19 | a. Chief justice of the supreme court: | | |
| 20 | ..... | \$ | 150,110 |
| 21 | b. Each justice of the supreme court: | | |
| 22 | ..... | \$ | 144,000 |
| 23 | c. Chief judge of the court of appeals: | | |
| 24 | ..... | \$ | 138,960 |
| 25 | d. Each associate judge of the court of appeals: | | |
| 26 | ..... | \$ | 134,060 |
| 27 | e. Each chief judge of a judicial district: | | |
| 28 | ..... | \$ | 131,000 |
| 29 | f. Each district judge except the chief judge of a | | |
| 30 | judicial district: | | |
| 31 | ..... | \$ | 126,020 |
| 32 | g. Each district associate judge: | | |
| 33 | ..... | \$ | 111,000 |
| 34 | h. Each associate juvenile judge: | | |
| 35 | ..... | \$ | 111,000 |

- 1 i. Each associate probate judge:
- 2 \$ 111,000
- 3 j. Each judicial magistrate:
- 4 \$ 34,200
- 5 k. Each senior judge:
- 6 \$ 7,100

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

10 4. The collective bargaining agreements negotiated
 11 pursuant to chapter 20 for employees in the judicial branch of
 12 government bargaining units and the annual pay adjustments,
 13 related benefits, and expense reimbursements of judicial
 14 branch employees not covered by a collective bargaining
 15 agreement shall be paid from funds appropriated or made
 16 available to the judicial branch as provided in subsection 1.

17 Sec. 12. APPOINTED STATE OFFICERS. Notwithstanding
 18 section 20.5, subsection 3, the governor shall establish a
 19 salary for appointed nonelected persons in the executive
 20 branch of state government holding a position enumerated in
 21 the section of this division of this Act that addresses the
 22 salary ranges of state officers within the range provided, by
 23 considering, among other items, the experience of the
 24 individual in the position, changes in the duties of the
 25 position, the incumbent's performance of assigned duties, and
 26 subordinates' salaries. However, the attorney general shall
 27 establish the salary for the consumer advocate, the chief
 28 justice of the supreme court shall establish the salary for
 29 the state court administrator, the Iowa public broadcasting
 30 board shall establish the salary for the administrator of the
 31 public broadcasting division of the department of education,
 32 the ethics and campaign disclosure board shall establish the
 33 salary of the executive director, and the state fair board
 34 shall establish the salary of the secretary of the state fair
 35 board, each within the salary range provided in the section of

1 this division of this Act that addresses the salary ranges of
2 state officers.

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

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

19 Sec. 13. SALARY RANGE -- STATE OFFICERS. The following
20 annual salary ranges are effective for the positions specified
21 in this section for the fiscal year beginning July 1, 2006,
22 and for subsequent fiscal years until otherwise provided by
23 the general assembly. The governor or other person designated
24 in the section of this division of this Act relating to
25 appointed state officers shall determine the salary to be paid
26 to the person indicated at a rate within this salary range
27 from funds appropriated by the general assembly for that
28 purpose.

29 1. The following are salary ranges for state officers for
30 the fiscal year beginning July 1, 2006, effective with the pay
31 period beginning June 30, 2006:

| 32 SALARY RANGE | <u>Minimum</u> | <u>Maximum</u> |
|---------------------|----------------|----------------|
| 33 a. Range 1 | \$ 8,800 | \$ 34,430 |
| 34 b. Range 2 | \$ 45,395 | \$ 69,460 |
| 35 c. Range 3 | \$ 52,210 | \$ 79,880 |

| | | | | |
|---|----|---------------|-----------|-----------|
| 1 | d. | Range 4 | \$ 60,040 | \$ 91,860 |
| 2 | e. | Range 5 | \$ 69,045 | \$105,640 |
| 3 | f. | Range 6 | \$ 79,405 | \$121,490 |
| 4 | g. | Range 7 | \$ 95,055 | \$145,430 |

5 2. The following are range 1 positions: There are no
6 range 1 positions for the fiscal year beginning July 1, 2006.

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

15 4. The following are range 3 positions: administrator of
16 the division of criminal and juvenile justice planning of the
17 department of human rights, administrator of the division of
18 community action agencies of the department of human rights,
19 executive director of the department of veterans affairs, and
20 chairperson and members of the employment appeal board of the
21 department of inspections and appeals.

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

30 6. The following are range 5 positions: state public
31 defender, drug policy coordinator, labor commissioner,
32 administrator of the division of homeland security and
33 emergency management of the department of public defense,
34 workers' compensation commissioner, director of the department
35 of cultural affairs, director of the department of elder

1 affairs, director of the law enforcement academy, and
2 administrator of the historical division of the department of
3 cultural affairs.

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

17 8. The following are range 7 positions: administrator of
18 the state racing and gaming commission of the department of
19 inspections and appeals, director of the department of
20 education, director of human services, director of the
21 department of economic development, executive director of the
22 Iowa telecommunications and technology commission,
23 administrator of the public broadcasting division of the
24 department of education, executive director of the state board
25 of regents, director of the state department of
26 transportation, director of the department of workforce
27 development, director of revenue, director of public health,
28 state court administrator, secretary of the state fair board,
29 director of the department of management, and director of the
30 department of administrative services.

31 Sec. 14. COLLECTIVE BARGAINING AGREEMENTS FUNDED --
32 GENERAL FUND. There is appropriated from the general fund of
33 the state to the salary adjustment fund for distribution by
34 the department of management to the various state departments,
35 boards, commissions, councils, and agencies, excluding the

1 state board of regents and the judicial branch, for the fiscal
2 year beginning July 1, 2006, and ending June 30, 2007, the
3 amount of \$29,000,000, or so much thereof as may be necessary,
4 to fully fund annual pay adjustments, expense reimbursements,
5 and related benefits implemented pursuant to the following:

6 1. The collective bargaining agreement negotiated pursuant
7 to chapter 20 for employees in the blue collar bargaining
8 unit.

9 2. The collective bargaining agreement negotiated pursuant
10 to chapter 20 for employees in the public safety bargaining
11 unit.

12 3. The collective bargaining agreement negotiated pursuant
13 to chapter 20 for employees in the security bargaining unit.

14 4. The collective bargaining agreement negotiated pursuant
15 to chapter 20 for employees in the technical bargaining unit.

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

18 6. The collective bargaining agreement negotiated pursuant
19 to chapter 20 for employees in the professional social
20 services bargaining unit.

21 7. The collective bargaining agreement negotiated pursuant
22 to chapter 20 for employees in the community-based corrections
23 bargaining unit.

*24 8. The collective bargaining agreement negotiated pursuant
25 to chapter 20 for employees in the patient care bargaining
26 unit.

27 9. The collective bargaining agreement negotiated pursuant
28 to chapter 20 for employees in the science bargaining unit.

29 10. The annual pay adjustments, related benefits, and
30 expense reimbursements referred to in the section of this
31 division of this Act addressing noncontract state employees
32 not covered by a collective bargaining agreement.

33 Sec. 15. NONCONTRACT STATE EMPLOYEES -- GENERAL.

34 1. a. For the fiscal year beginning July 1, 2006, the
35 maximum salary levels of all pay plans provided for in section

1 8A.413, subsection 2, as they exist for the fiscal year ending
2 June 30, 2006, shall be increased by 2 percent for the pay
3 period beginning June 30, 2006, and any additional changes in
4 the pay plans shall be approved by the governor.

5 b. For the fiscal year beginning July 1, 2006, employees
6 may receive a step increase or the equivalent of a step
7 increase.

8 2. The pay plans for state employees who are exempt from
9 chapter 8A, subchapter IV, and who are included in the
10 department of administrative service's centralized payroll
11 system shall be increased in the same manner as provided in
12 subsection 1, and any additional changes in any executive
13 branch pay plans shall be approved by the governor.

14 3. This section does not apply to members of the general
15 assembly, board members, commission members, salaries of
16 persons set by the general assembly pursuant to this division
17 of this Act or set by the governor, other persons designated
18 in the section of this division of this Act addressing
19 appointed state officers, employees designated under section
20 8A.412, subsection 5, and employees covered by 11 IAC 53.6(3).

21 4. The pay plans for the bargaining eligible employees of
22 the state shall be increased in the same manner as provided in
23 subsection 1, and any additional changes in such executive
24 branch pay plans shall be approved by the governor. As used
25 in this section, "bargaining eligible employee" means an
26 employee who is eligible to organize under chapter 20, but has
27 not done so.

28 5. The policies for implementation of this section shall
29 be approved by the governor.

30 Sec. 16. APPROPRIATIONS FROM ROAD FUNDS.

31 1. There is appropriated from the road use tax fund to the
32 salary adjustment fund for the fiscal year beginning July 1,
33 2006, and ending June 30, 2007, the following amount, or so
34 much thereof as may be necessary, to be used for the purpose
35 designated:

1 To supplement other funds appropriated by the general
2 assembly:
3 \$ 1,416,695

4 2. There is appropriated from the primary road fund to the
5 salary adjustment fund, for the fiscal year beginning July 1,
6 2006, and ending June 30, 2007, the following amount, or so
7 much thereof as may be necessary, to be used for the purpose
8 designated:

9 To supplement other funds appropriated by the general
10 assembly:
11 \$ 9,593,363

12 3. Except as otherwise provided in this division of this
13 Act, the amounts appropriated in subsections 1 and 2 shall be
14 used to fund the annual pay adjustments, expense
15 reimbursements, and related benefits for public employees as
16 provided in this division of this Act.

17 Sec. 17. SPECIAL FUNDS -- AUTHORIZATION. To departmental
18 revolving, trust, or special funds, except for the primary
19 road fund or the road use tax fund, for which the general
20 assembly has established an operating budget, a supplemental
21 expenditure authorization is provided, unless otherwise
22 provided, in an amount necessary to fund salary adjustments as
23 otherwise provided in this division of this Act.

24 Sec. 18. GENERAL FUND SALARY MONEYS. Funds appropriated
25 for distribution from the salary adjustment fund in the
26 section of this division of this Act providing for funding of
27 collective bargaining agreements relate only to salaries
28 supported from general fund appropriations of the state except
29 for employees of the state board of regents and the judicial
30 branch.

31 Sec. 19. FEDERAL FUNDS APPROPRIATED. All federal grants
32 to and the federal receipts of the agencies affected by this
33 division of this Act which are received and may be expended
34 for purposes of this division of this Act are appropriated for
35 those purposes and as set forth in the federal grants or

1 receipts.

2 Sec. 20. STATE TROOPER MEAL ALLOWANCE. The sworn peace
3 officers in the department of public safety who are not
4 covered by a collective bargaining agreement negotiated
5 pursuant to chapter 20 shall receive the same per diem meal
6 allowance as the sworn peace officers in the department of
7 public safety who are covered by a collective bargaining
8 agreement negotiated pursuant to chapter 20.

9 Sec. 21. SICK LEAVE CONVERSION. It is the intent of the
10 general assembly that the sick leave conversion program under
11 the collective bargaining agreement that covers the greatest
12 number of state employees and that affects sick leave accrual
13 and allows sick leave conversion and use upon retirement for
14 payment of certain health insurance premiums shall be extended
15 to employees in the executive branch, excluding state board of
16 regents employees, not covered by a collective bargaining
17 agreement, consistent with any legislation enacted during the
18 2006 Regular Session of the general assembly providing for
19 such extension.

20 Sec. 22. Section 256.81, subsection 1, Code 2005, is
21 amended to read as follows:

22 1. The public broadcasting division of the department of
23 education is created. The chief administrative officer of the
24 division is the administrator who shall be appointed by and
25 serve at the pleasure of the Iowa public broadcasting board.
26 The governor board shall set the division administrator's
27 salary within the applicable salary range established by the
28 general assembly unless otherwise provided by law. Educational
29 programming shall be the highest priority of the division.
30 The director of the department of education and the state
31 board of education are not liable for the activities of the
32 division of public broadcasting.

33 Sec. 23. Section 256.82, subsection 1, unnumbered
34 paragraph 1, Code 2005, is amended to read as follows:

35 The Iowa public broadcasting board is created to plan,

1 establish, and operate educational radio and television
2 facilities and other telecommunications services including
3 ~~narrowcast-and-broadcast-systems~~ to serve the educational
4 needs of the state. The board shall be composed of nine
5 members selected in the following manner:

6 Sec. 24. Section 256.82, subsection 1, paragraph a,
7 subparagraphs (1) and (2), Code 2005, are amended to read as
8 follows:

9 (1) One member shall be appointed from the business
10 community other than ~~the-commercial-broadcasting-industry-and~~
11 the television and telecommunications industry.

12 (2) One member shall be appointed ~~from-the-commercial~~
13 broadcast with experience in or knowledge about the television
14 industry.

15 Sec. 25. Section 256.82, subsection 1, paragraph b,
16 subparagraph (4), Code 2005, is amended to read as follows:

17 (4) One member ~~who-is-knowledgeable-about~~
18 telecommunications shall be appointed by the state board of
19 regents.

20 Sec. 26. Section 256.84, subsections 1 and 2, Code 2005,
21 are amended to read as follows:

22 1. The board may purchase, lease, and improve property,
23 equipment, and services for educational telecommunications
24 including the broadcast and narrowcast systems, and may
25 dispose of property and equipment when not necessary for its
26 purposes. ~~The-board-and-division-administrator-may-arrange~~
27 ~~for-joint-use-of-available-services-and-facilities.~~

28 2. The board shall apply for channels, frequencies,
29 licenses, and permits, and other authorizations as necessary
30 for the performance of the board's duties.

31 Sec. 27. Section 256.84, subsection 5, Code 2005, is
32 amended by striking the subsection.

33 Sec. 28. Section 256.84, Code 2005, is amended by adding
34 the following new subsections:

35 NEW SUBSECTION. 11. To preserve the integrity of its

1 editorial processes, the board may select programming, content
2 partners, and other authorized contractual services without
3 using a competitive selection process or performance measures
4 that may otherwise be required by law for such services. For
5 purposes of this subsection, authorized contractual services
6 are those services related, directly or indirectly, to the
7 development of program production and instructional and
8 educational media. Authorized contractual services include
9 but are not limited to on-air performers, producers or
10 directors, field producers, writers, production assistants,
11 manual laborers, mobile unit services, closed captioning
12 services, duplication of tape services, and satellite
13 services.

14 NEW SUBSECTION. 12. The board shall approve for
15 submission the annual budget request and any supplementary
16 budget request for the public broadcasting division of the
17 department of education.

18 Sec. 29. Section 256.85, Code 2005, is amended to read as
19 follows:

20 256.85 PURCHASE OF ENERGY EFFICIENCY PACKAGES.

21 The public broadcasting division of the department of
22 education may use the state of Iowa facilities improvement
23 corporation to purchase energy efficiency packages ~~for-its~~
24 ~~ultrahigh-frequency-transmitters.~~

25 Sec. 30. Section 421.1A, subsection 6, Code Supplement
26 2005, is amended to read as follows:

27 6. The members of the property assessment appeal board
28 shall receive compensation from the state commensurate with
29 the salary of a district judge. The members of the board
30 shall ~~not~~ be considered state employees for purposes of salary
31 and benefits. The members of the board and any employees of
32 the board, when required to travel in the discharge of
33 official duties, shall be paid their actual and necessary
34 expenses incurred in the performance of duties.

35 Sec. 31. Section 256.89, Code 2005, is repealed.

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DIVISION IV
OTHER APPROPRIATIONS
AND RELATED MATTERS

Sec. 32. ARTS EDUCATION AND ENRICHMENT PROGRAMMING.

1. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a study of arts education and enrichment programming for school age children in accordance with this section:

..... \$ 5,000

2. a. The department shall conduct a study of arts education and enrichment programming for school age children to evaluate the status of arts education and enrichment programming available to school age children in this state; develop a strategy for greatly expanding the availability of arts education and enrichment programming outside of school settings; and identify curricula, model programs, best practices, and other resources that may be used by programs and persons in this state that provide arts education and enrichment programming outside of school settings.

b. The department shall utilize a resource committee in conducting the study. The committee membership may include representatives of the departments of economic development, education, and human services, the Iowa after school alliance, the Iowa community education association, the Iowa library association, legislators, art educators, artists and performers, and others with relevant expertise.

c. The study may utilize regional forums through the Iowa communications network and other approaches for securing public input and discussion of the study topics.

d. The department shall report to the governor and general assembly concerning the study with findings and recommendations in December 2006.

1 Sec. 33. VETERANS TRUST FUND. There is appropriated from
2 the general fund of the state to the veterans trust fund for
3 the fiscal year beginning July 1, 2006, and ending June 30,
4 2007, the following amount:

5 \$ 4,500,000

6 Sec. 34. COUNTY GRANT PROGRAM FOR VETERANS --

7 APPROPRIATION. There is appropriated from the general fund of
8 the state to the department of veterans affairs, for the
9 fiscal year beginning July 1, 2006, and ending June 30, 2007,
10 the following amount, or so much thereof as is necessary, to
11 be used for the purpose designated:

12 For providing matching grants to counties to provide
13 improved services to veterans:

14 \$ 1,000,000

15 The department shall establish a grant application process
16 and shall require each county applying for a grant to submit a
17 plan for utilizing the grant to improve services for veterans.
18 The maximum matching grant to be awarded to a county shall be
19 \$10,000 and the amount awarded shall be matched on a dollar-
20 for-dollar basis by the county. Each county receiving a grant
21 shall submit a report to the department identifying the impact
22 of the grant on increasing services to veterans. The
23 department shall submit a report to the general assembly by
24 October 1, 2007, concerning the impact of the grant program on
25 increasing services to veterans.

26 Sec. 35. IOWA LAW ENFORCEMENT ACADEMY. There is
27 appropriated from the general fund of the state to the Iowa
28 law enforcement academy for the fiscal year beginning July 1,
29 2006, and ending June 30, 2007, the following amount, or so
30 much thereof as is necessary, to be used for the purpose
31 designated:

32 For the purchase of equipment and furnishings:

33 \$ 25,000

34 Sec. 36. GOVERNOR AND LIEUTENANT GOVERNOR. If 2006 Iowa
35 Acts, House File 2521, is enacted and provides for

1 appropriations from the general fund of the state to the
2 offices of the governor and lieutenant governor for the fiscal
3 year beginning July 1, 2006, and ending June 30, 2007, for the
4 following indicated purposes, those appropriations are
5 increased by the following amounts:

6 1. TERRACE HILL QUARTERS

7 For salaries, support, maintenance and miscellaneous
8 purposes for the governor's quarters at Terrace Hill:

9 \$ 22,676

10 2. NATIONAL GOVERNORS ASSOCIATION

11 For payment of Iowa's membership in the national governors
12 association:

13 \$ 16,207

14 Sec. 37. UPDATED MANURE MANAGEMENT PLANS. There is
15 appropriated from the manure storage indemnity fund created in
16 section 459.501 to the department of natural resources for the
17 fiscal year beginning July 1, 2006, and ending June 30, 2007,
18 the following amount, or so much thereof as is necessary, to
19 be used for the purpose designated:

20 For the department to modify its computer database in order
21 to provide documentation to persons required to submit updated
22 manure management plans and updated manure management plan
23 filing fees to the department pursuant to the schedules
24 provided in sections 459.312 and 459.400, if amended by the
25 Eighty-first General Assembly, 2006 Session:

26 \$ 80,000

27 As a condition of this appropriation, the department shall
28 repay the manure storage indemnity fund in four equal
29 installments by June 30 of each fiscal year for the fiscal
30 period beginning July 1, 2007, and ending June 30, 2011.

31 Sec. 38. REAL ESTATE EDUCATION PROGRAM. There is
32 appropriated from the general fund of the state to the state
33 board of regents for the fiscal year beginning July 1, 2007,
34 and ending June 30, 2008, the following amount, or so much
35 thereof as is necessary, to be used for the purpose

1 designated:

2 For allocation to the university of northern Iowa for the
3 real estate education program:

4 \$ 200,000

5 The appropriation made in this section is contingent upon
6 enactment of 2006 Iowa Acts, House File 2773, or other
7 enactment by the Eighty-first General Assembly, 2006 Session,
8 amending section 543B.54 to appropriate fees credited to the
9 Iowa real estate education fund to the real estate commission
10 in lieu of the state board of regents.

11 Sec. 39. STATE BOARD OF REGENTS -- GENERAL FUND ENDING
12 BALANCE.

13 1. Notwithstanding section 8.62, prior to the
14 appropriation of the surplus existing in the general fund of
15 the state at the conclusion of the fiscal year beginning July
16 1, 2005, pursuant to section 8.57, subsection 1, from
17 appropriations that remain unencumbered or unobligated and
18 would otherwise revert on August 31, 2006, pursuant to section
19 8.33, up to \$2,800,000 shall be transferred to the state board
20 of regents.

21 2. The transfer made in subsection 1 shall be distributed
22 to the state board of regents in the fiscal year beginning
23 July 1, 2006, to be used as additional funding for the fiscal
24 year beginning July 1, 2006, for the institutions under the
25 state board of regents.

26 Sec. 40. STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER
27 HERITAGE DIVISION. If 2006 Iowa Acts, House File 2521, is
28 enacted and provides for an appropriation from the general
29 fund of the state to the department of human rights for the
30 status of Iowans of Asian and Pacific islander heritage
31 division for the fiscal year beginning July 1, 2006, and
32 ending June 30, 2007, there is appropriated to supplement that
33 appropriation as follows:

34 For salaries, support, maintenance, and miscellaneous
35 purposes and for not more than the following full-time

1 equivalent position:

2 \$ 80,000

3 FTEs 1.00

4 Sec. 41. DEPARTMENT OF CULTURAL AFFAIRS. There is
5 appropriated from the general fund of the state to the
6 department of cultural affairs for the fiscal year beginning
7 July 1, 2006, and ending June 30, 2007, the following amounts,
8 or so much thereof as is necessary, to be used for the
9 purposes designated:

10 1. For the African-American historical museum and cultural
11 center of Iowa in Cedar Rapids:

12 \$ 85,000

13 2. For historical resource development program emergency
14 grants for qualified historic preservation projects in
15 gubernatorially declared natural disaster emergency areas in
16 Johnson county, notwithstanding section 303.16, subsection 6,
17 paragraph "d":

18 \$ 250,000

19 Sec. 42. DEPARTMENT OF JUSTICE. There is appropriated
20 from the general fund of the state to the department of
21 justice for the fiscal year beginning July 1, 2006, and ending
22 June 30, 2007, the following amount, or so much thereof as is
23 necessary, to be used for the purpose designated:

24 For the purpose of funding farm mediation services pursuant
25 to the farm assistance program created in sections 13.13
26 through 13.24:

27 \$ 100,000

28 Sec. 43. SUSTAINABLE NATURAL RESOURCE FUNDING
29 STUDY.

30 1. There is established a sustainable natural
31 resource funding advisory committee for the purpose of
32 studying how to provide a sustainable source or
33 sources of funding for natural resources needs in
34 Iowa. The department of natural resources shall
35 provide staffing for the advisory committee. The

1 following shall be members of the advisory committee:

2 a. One representative from the following
3 organizations or entities to be appointed by the
4 governor:

5 (1) Secretary of agriculture.

6 (2) Iowa natural heritage foundation.

7 (3) Ducks unlimited.

8 (4) Pheasants forever.

9 (5) Iowa association of county conservation
10 boards.

11 (6) Iowa farm bureau.

12 (7) Farmers union.

13 (8) The nature conservancy.

14 (9) Iowa environmental council.

15 (10) Iowa renewable fuels association.

16 b. The director of the department of natural
17 resources, who shall be the chairperson of the
18 advisory committee.

19 c. Two members of the senate, one of which is
20 appointed by the majority leader and one of which is
21 appointed by the minority leader.

22 d. Two members of the house of representatives,
23 one of which is appointed by the majority leader and
24 one of which is appointed by the minority leader.

25 2. The advisory committee shall submit a report to
26 the governor and the general assembly by January 10,
27 2007. The report shall contain but is not limited to
28 the following:

29 a. Information on what surrounding states have
30 done to provide sustainable funding for natural
31 resource conservation.

32 b. Outline of a conservation funding initiative
33 agree upon by the advisory committee.

34 c. Outline of the amount of revenue needed and
35 what would be accomplished if the conservation funding

1 initiative is implemented.

2 d. Analysis of Iowa's citizens' willingness to pay
3 for identified conservation funding initiative.

4 Sec. 44. 2001 Iowa Acts, chapter 174, section 1,
5 subsection 2, as amended by 2002 Iowa Acts, chapter 1174,
6 section 8, 2003 Iowa Acts, chapter 179, section 38, 2004 Iowa
7 Acts, chapter 1175, section 270, and 2005 Iowa Acts, chapter
8 179, section 23, is amended to read as follows:

9 2. There is appropriated from the general fund of the
10 state to the endowment for Iowa's health account of the
11 tobacco settlement trust fund created in section 12E.12, for
12 the designated fiscal years, the following amounts, to be used
13 for the purposes specified in section 12E.12 for the endowment
14 for Iowa's health account:

| | | |
|----|--------------------|--------------------------|
| 15 | FY 2001-2002 | \$ 7,248,000 |
| 16 | FY 2003-2004 | \$ 0 |
| 17 | FY 2004-2005 | \$ 0 |
| 18 | FY 2005-2006 | \$ 0 |
| 19 | FY 2006-2007 | \$ 17,773,000 |
| 20 | | <u>0</u> |

21 Sec. 45. Section 16.100, Code 2005, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 9. Notwithstanding any provision to the
24 contrary, all assets held in the housing improvement fund
25 shall be transferred to the housing trust fund created in
26 section 16.181. On and after July 1, 2006, any moneys or
27 assets received for deposit in the housing improvement fund
28 shall be transferred to the housing trust fund.

29 Sec. 46. NEW SECTION. 137F.3A MUNICIPAL CORPORATION
30 INSPECTIONS -- CONTINGENT APPROPRIATION.

31 1. If a municipal corporation operating pursuant to a
32 chapter 28E agreement with the department of inspections and
33 appeals to enforce this chapter and chapters 137C and 137D
34 either fails to renew the agreement effective after July 1,
35 2005, but before July 1, 2007, or discontinues prior to July

1 1, 2007, enforcement activities in one or more jurisdictions
2 during the agreement time frame, or the department of
3 inspections and appeals cancels an agreement prior to July 1,
4 2007, due to noncompliance with the terms of the agreement,
5 the department of inspections and appeals may employ
6 additional full-time equivalent positions for the fiscal years
7 ending prior to July 1, 2007, to enforce the provisions of the
8 chapters, with the approval of the department of management.
9 Before approval is given, the director of the department of
10 management shall determine that the expenses exceed the funds
11 budgeted by the general assembly for food inspections to the
12 department of inspections and appeals. The department of
13 inspections and appeals may hire no more than one full-time
14 equivalent position for each six hundred inspections required
15 pursuant to this chapter and chapters 137C and 137D.

16 2. Notwithstanding chapter 137D, and sections 137C.9 and
17 137F.6, if the conditions described in this section are met,
18 fees imposed pursuant to that chapter and those sections shall
19 be retained by and are appropriated to the department of
20 inspections and appeals for the fiscal years ending prior to
21 July 1, 2007, to provide for salaries, support, maintenance,
22 and miscellaneous purposes associated with the additional
23 inspections.

24 3. This section is repealed July 1, 2007.

25 Sec. 47. Section 256D.5, subsection 4, Code Supplement
26 2005, is amended to read as follows:

27 4. For each fiscal year of the fiscal period beginning
28 July 1, 2004, and ending June 30, ~~2006~~ 2007, the sum of
29 twenty-nine million two hundred fifty thousand dollars.

30 Sec. 48. 2005 Iowa Acts, chapter 175, section 4,
31 subsection 4, as enacted by 2006 Iowa Acts, House File 2080,
32 section 3, is amended by adding the following new paragraph:

33 NEW PARAGRAPH. c. Of the amount transferred pursuant to
34 this subsection, not more than \$50,000 shall be transferred to
35 the department of public defense to be used for the enduring

1 families program.

2 Sec. 49. REPORT. By October 1, 2009, the Iowa finance
3 authority shall submit a written report to the general
4 assembly regarding the status of the housing trust fund. The
5 report shall review the program and activities under the
6 program during the existence of the fund, an update on the
7 housing needs in the state, and any recommendations for
8 changes.

9 Sec. 50. HOUSING TRUST FUND. It is the intent of the
10 general assembly to make appropriations from the general fund
11 of the state to the housing trust fund created in section
12 16.181 for the designated fiscal years in the following
13 amounts:

- 14 1. FY 2007-2008 \$ 2,000,000
- 15 2. FY 2008-2009 \$ 3,000,000
- 16 3. FY 2009-2010 \$ 4,000,000

17 Sec. 51. WORLD FOOD PRIZE. It is the intent of the
18 general assembly to make appropriations from the general fund
19 of the state for purposes of the world food prize for the
20 designated fiscal years in the following amounts:

- 21 1. FY 2007-2008 \$ 750,000
- 22 2. FY 2008-2009 \$ 1,000,000

23 Sec. 52. CONTINGENT EFFECTIVE DATE. The section of this
24 division of this Act making an appropriation from the manure
25 storage indemnity fund to the department of natural resources
26 is contingent upon the enactment by the Eighty-first General
27 Assembly, 2006 Session of an Act which amends sections 459.312
28 and 459.400 making it necessary for the department to modify
29 its computer database in order to provide documentation to
30 persons required to submit updated manure management plans and
31 updated manure management plan filing fees to the department.

32 Sec. 53. EFFECTIVE AND APPLICABILITY DATES.

33 1. The section of this division of this Act transferring
34 moneys that would otherwise revert to the state board of
35 regents, being deemed of immediate importance, takes effect

1 upon enactment.

2 2. The section of this division of this Act enacting
3 section 137F.3A, being deemed of immediate importance, takes
4 effect upon enactment and applies retroactively to July 1,
5 2005.

6 DIVISION V

7 MISCELLANEOUS STATUTORY CHANGES

8 Sec. 54. Section 7D.29, Code 2005, as amended by 2006 Iowa
9 Acts, Senate File 2273, section 7, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 4. The executive council shall receive
12 requests from the Iowa department of public health, relative
13 to the purchase, storing, and distribution of vaccines and
14 medication for prevention, prophylaxis, or treatment. Upon
15 review and after compliance with subsection 2, the executive
16 council may approve the request and may incur the necessary
17 expense and pay the same out of any money in the state
18 treasury not otherwise appropriated.

19 Sec. 55. Section 15E.208, subsection 3, paragraph b,
20 subparagraph (2), Code 2005, is amended by adding the
21 following new subparagraph subdivision:

22 NEW SUBPARAGRAPH SUBDIVISION. (e) Notwithstanding any
23 provision of this division to the contrary, payments of
24 principal and interest of the loan granted by the corporation
25 to an eligible person and assigned to the department pursuant
26 to this subparagraph during calendar year 2003 which were
27 deferred pursuant to subparagraph subdivision (c) shall be
28 forgiven and the total debt, including interest, shall be
29 retired.

30 Sec. 56. Section 15G.119, subsection 4, paragraph c, if
31 enacted by 2006 Iowa Acts, House File 2759, is amended to read
32 as follows:

33 c. Notwithstanding section 8.33, unencumbered and
34 unobligated moneys remaining in the infrastructure fund at the
35 close of each fiscal year shall not revert but shall remain

1 available in the infrastructure fund for expenditure for the
2 same purposes ~~in the succeeding fiscal year~~ until the end of
3 the fiscal year that begins July 1, 2011, at which time the
4 unencumbered and unobligated moneys remaining shall revert to
5 the funds from which appropriated.

6 Sec. 57. Section 22.7, subsection 52, unnumbered paragraph
7 1, as enacted by 2006 Iowa Acts, House File 2706, if enacted,
8 is amended to read as follows:

9 The following records relating to a charitable donation
10 made to a foundation acting solely for the support of an
11 institution governed by the state board of regents, to a
12 foundation acting solely for the support of an institution
13 governed by chapter 260C, to a private foundation as defined
14 in section 509 of the Internal Revenue Code organized for the
15 support of a government body, or to an endow Iowa qualified
16 community foundation, as defined in section 15E.303, organized
17 for the support of a government body:

18 Sec. 58. Section 22.7, Code Supplement 2005, is amended by
19 adding the following new subsections:

20 NEW SUBSECTION. 53. Individually identifiable client
21 information contained in the records of the state database
22 created as a homeless management information system pursuant
23 to standards developed by the United States department of
24 housing and urban development and utilized by the Iowa
25 department of economic development.

26 NEW SUBSECTION. 54. The following information contained
27 in the records of any governmental body relating to any form
28 of housing assistance:

- 29 a. An applicant's social security number.
30 b. An applicant's personal financial history.
31 c. An applicant's personal medical history or records.
32 d. An applicant's current residential address when the
33 applicant has been granted or has made application for a civil
34 or criminal restraining order for the personal protection of
35 the applicant or a member of the applicant's household.

1 Sec. 59. Section 29A.28, subsections 1 and 3, Code 2005,
2 are amended to read as follows:

3 1. All officers and employees of the state, or a
4 subdivision thereof, or a municipality other than employees
5 employed temporarily for six months or less, who are members
6 of the national guard, organized reserves or any component
7 part of the military, naval, or air forces or nurse corps of
8 this state or nation, or who are or may be otherwise inducted
9 into the military service of this state or of the United
10 States, or who are members of the civil air patrol, shall,
11 when ordered by proper authority to state active duty, state
12 military service, or federal service, or when performing a
13 civil air patrol mission pursuant to section 29A.3A, be
14 entitled to a leave of absence from such civil employment for
15 the period of state active duty, state military service, ~~or~~
16 federal service, or civil air patrol duty without loss of
17 status or efficiency rating, and without loss of pay during
18 the first thirty days of such leave of absence. Where state
19 active duty, state military service, ~~or~~ federal service, or
20 civil air patrol duty is for a period of less than thirty
21 days, a leave of absence under this section shall only be
22 required for those days that the civil employee would normally
23 perform services for the state, subdivision of the state, or a
24 municipality.

25 3. Upon returning from a leave of absence under this
26 section, an employee shall be entitled to return to the same
27 position and classification held by the employee at the time
28 of entry into state active duty, state military service, ~~or~~
29 federal service, or civil air patrol duty, or to the position
30 and classification that the employee would have been entitled
31 to if the continuous civil service of the employee had not
32 been interrupted by state active duty, state military service,
33 ~~or~~ federal service, or civil air patrol duty. Under this
34 subsection, "position" includes the geographical location of
35 the position.

1 Sec. 60. Section 29A.40, unnumbered paragraph 2, Code
2 2005, is amended to read as follows:

3 Any person who, without authority under the laws of the
4 United States or of one of the states, wears the uniform of,
5 or a distinctive part of the uniform of the armed forces of
6 the United States, shall be guilty of a ~~simple~~ serious
7 misdemeanor.

8 Sec. 61. Section 29A.43, subsection 1, Code Supplement
9 2005, is amended to read as follows:

10 1. A person shall not discriminate against any officer or
11 enlisted person of the national guard or organized reserves of
12 the armed forces of the United States or any member of the
13 civil air patrol because of that membership. An employer, or
14 agent of an employer, shall not discharge a person from
15 employment because of being an officer or enlisted person of
16 the military forces of the state or member of the civil air
17 patrol, or hinder or prevent the officer or enlisted person or
18 member of the civil air patrol from performing any military
19 service or civil air patrol duty the person is called upon to
20 perform by proper authority. A member of the national guard
21 or organized reserves of the armed forces of the United States
22 ordered to temporary duty, as defined in section 29A.1,
23 subsection 3, 11, or 12, or a member of the civil air patrol
24 performing duty pursuant to section 29A.3A, for any purpose is
25 entitled to a leave of absence during the period of the duty
26 or service, from the member's private employment, other than
27 employment of a temporary nature, and upon completion of the
28 duty or service the employer shall restore the person to the
29 position held prior to the leave of absence, or employ the
30 person in a similar position. However, the person shall give
31 evidence to the employer of satisfactory completion of the
32 training or duty, and that the person is still qualified to
33 perform the duties of the position. The period of absence
34 shall be construed as an absence with leave, and shall in no
35 way affect the employee's rights to vacation, sick leave,

1 bonus, or other employment benefits relating to the employee's
2 particular employment. A person violating a provision of this
3 section is guilty of a simple misdemeanor.

4 Sec. 62. Section 29C.8, subsection 3, paragraph f, Code
5 Supplement 2005, is amended to read as follows:

6 f. ~~{1}~~ Approve and support the development and ongoing
7 operations of ~~an-urban-search-and-rescue-team~~ homeland
8 security and emergency response teams to be deployed as a
9 resource to supplement and enhance disrupted or overburdened
10 local emergency and disaster operations and deployed as
11 available to provide assistance to other states pursuant to
12 the interstate emergency management assistance compact
13 described in section 29C.21. The following shall apply to
14 homeland security and emergency response teams:

15 ~~{2}~~ (1) A member of ~~an-urban-search-and-rescue~~ a homeland
16 security and emergency response team acting under the
17 authority this section upon the directive of the administrator
18 or pursuant to a governor's disaster proclamation as provided
19 in section 29C.6 shall be considered an employee of the state
20 under for purposes of section 29C.21 and chapter 669 and shall
21 be afforded protection as an employee of the state under
22 section 669.21. Disability, workers' compensation, and death
23 benefits for team members working under the authority of the
24 administrator or pursuant to the provisions of section 29C.6
25 shall be paid by the state in a manner consistent with the
26 provisions of chapter 85, 410, or 411 as appropriate,
27 depending on the status of the member, provided that the
28 member is registered with the homeland security and emergency
29 management division as a member of an approved team and is
30 participating as a team member in a response or recovery
31 operation initiated by the administrator or governor pursuant
32 to this section or in a training or exercise activity approved
33 by the administrator.

34 (2) Each approved homeland security and emergency
35 management response team shall establish standards for team

1 membership, shall provide the division with a listing of all
2 team members, and shall update the list each time a member is
3 removed from or added to the team. Individuals so identified
4 as team members shall be considered to be registered as team
5 members for purposes of subparagraph (1).

6 (3) Upon notification of a compensable loss to a member of
7 a homeland security and emergency management response team,
8 the department of administrative services shall process the
9 claim and seek funding from the executive council for those
10 costs associated with covered benefits.

11 Sec. 63. Section 29C.20, subsection 1, paragraph a,
12 subparagraph (5), Code Supplement 2005, is amended to read as
13 follows:

14 (5) Paying the expenses incurred by and claims of ~~an-urban~~
15 ~~search-and-rescue~~ a homeland security and emergency response
16 team when acting under the authority of ~~the-administrator-and~~
17 ~~the-provisions-of~~ section ~~29E-6~~ 29C.8 and public health
18 response teams when acting under the provisions of section
19 135.143.

20 Sec. 64. Section 29C.20, subsection 1, paragraph b, Code
21 Supplement 2005, is amended to read as follows:

22 b. When a state department or agency requests that moneys
23 from the contingent fund be expended to repair, rebuild, or
24 restore state property injured, destroyed, or lost by fire,
25 storm, theft, or unavoidable cause, or to repair, rebuild, or
26 restore state property that is fiberoptic cable and that is
27 injured or destroyed by a wild animal, or to purchase a police
28 service dog for the department of corrections when such a dog
29 is injured or destroyed, or for payment of the expenses
30 incurred by and claims of ~~an-urban-search-and-rescue~~ a
31 homeland security and emergency response team when acting
32 under the authority of ~~the-administrator-and-the-provisions-of~~
33 section ~~29E-6~~ 29C.8, the executive council shall consider the
34 original source of the funds for acquisition of the property
35 before authorizing the expenditure. If the original source

1 was other than the general fund of the state, the department
2 or agency shall be directed to utilize moneys from the
3 original source if possible. The executive council shall not
4 authorize the repairing, rebuilding, or restoring of the
5 property from the disaster aid contingent fund if it
6 determines that moneys from the original source are available
7 to finance the project.

8 Sec. 65. Section 35A.5, subsection 9, Code Supplement
9 2005, is amended to read as follows:

10 9. Establish and operate a state veterans cemetery and
11 make application to the government of the United States or any
12 subdivision, agency, or instrumentality thereof, for funds for
13 the purpose of establishing such a cemetery. The state may
14 enter into agreements with any subdivision of the state for
15 assistance in operating the cemetery. The state shall own the
16 land on which the cemetery is located.

17 PARAGRAPH DIVIDED. The department shall have the authority
18 to accept federal grant funds, funding from state
19 subdivisions, donations from private sources, and federal
20 "plot allowance" payments. ~~All such funds shall be deposited~~
21 ~~into an account dedicated to the establishment, operation, and~~
22 ~~maintenance of a veterans cemetery and these funds shall be~~
23 ~~expended only for those purposes.~~ The department through the
24 director shall have the authority to accept suitable cemetery
25 land, in accordance with federal veterans cemetery grant
26 guidelines, from the federal government, state government,
27 state subdivisions, private sources, and any other source
28 wishing to transfer land for use as a veterans cemetery. The
29 department may lease or use property received pursuant to this
30 subsection for any purpose so long as such leasing or use does
31 not interfere with the use of the property for cemetery
32 purposes and is not contrary to federal or state guidelines.
33 All funds received pursuant to this subsection, including
34 lease payments or funds generated from any activity engaged in
35 on any property accepted pursuant to this subsection, shall be

1 deposited into an account dedicated to the establishment,
2 operation, and maintenance of a veterans cemetery and these
3 funds shall be expended only for those purposes.

4 PARAGRAPH DIVIDED. Notwithstanding section 8.33, any
5 moneys in the account for a state veterans cemetery shall not
6 revert and, notwithstanding section 12C.7, subsection 2,
7 interest or earnings on moneys deposited in the fund shall be
8 credited to the account.

9 Sec. 66. Section 35A.13, Code 2005, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 5A. It is the intent of the general
12 assembly that beginning with the fiscal year beginning July 1,
13 2007, appropriations be made annually to the veterans trust
14 fund. Prior to any additional appropriations to this fund,
15 the commission shall provide the general assembly with
16 information identifying immediate and long-term veteran
17 services throughout the state and a plan for delivering those
18 services.

19 Sec. 67. Section 35A.13, subsection 6, Code 2005, is
20 amended by striking the subsection and inserting in lieu
21 thereof the following:

22 6. Moneys appropriated to the commission under this
23 section shall not be used to supplant funding provided by
24 other sources. The moneys may be expended upon a majority
25 vote of the commission membership for the benefit of veterans
26 and the spouses and dependents of veterans, for any of the
27 following purposes:

28 a. Travel expenses for wounded veterans directly related
29 to follow-up medical care.

30 b. Job training or college tuition assistance for job
31 retraining.

32 c. Unemployment assistance during a period of unemployment
33 due to prolonged physical or mental illness or disability
34 resulting from military service.

35 d. Expenses related to nursing facility or at-home care.

1 e. Benefits provided to children of disabled or deceased
2 veterans.

3 f. Individual counseling or family counseling programs.

4 g. Family support group programs or programs for children
5 of members of the military.

6 h. Honor guard services.

7 Sec. 68. Section 35A.13, Code 2005, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 6A. If the commission identifies other
10 purposes for which the moneys appropriated under this section
11 may be used for the benefit of veterans and the spouses and
12 dependents of veterans, the commission shall submit
13 recommendations for the addition of such purposes to the
14 general assembly for review.

15 Sec. 69. Section 68B.32A, subsection 2, unnumbered
16 paragraph 2, Code Supplement 2005, is amended to read as
17 follows:

18 The board may establish a process to assign signature codes
19 to a person or committee for purposes of facilitating an
20 electronic filing procedure. The assignment of signature
21 codes shall be kept confidential, notwithstanding section
22 22.2. The board and persons electronically filing reports and
23 statements shall keep assigned signature codes or subsequently
24 selected signature codes confidential. Signature codes shall
25 not be subject to state security policies regarding frequency
26 of change.

27 Sec. 70. NEW SECTION. 70A.15A CHARITABLE GIVING PAYROLL
28 DEDUCTION BY OTHER THAN STATE OFFICER OR EMPLOYEE.

29 1. For purposes of this section, unless the context
30 otherwise requires:

31 a. "Applicable public employer" means a board of directors
32 of a school district, a county board of supervisors, or a
33 governing body of a city.

34 b. "Eligible charitable organization" means a not-
35 for-profit federation of health and human services, social

1 welfare, or environmental agencies or associations that meets
2 all of the following conditions:

3 (1) The federation is tax exempt under section 501(c)(3)
4 of the Internal Revenue Code and contributions to the
5 federation are deductible under section 170 of the Internal
6 Revenue Code.

7 (2) The federation has had an office in this state for the
8 last five years.

9 (3) The federation represents at least ten health and
10 human services, social welfare, or environmental agencies or
11 associations that are located in this state.

12 (4) The federation is governed by an active, voluntary
13 board, which exercises administrative control over the
14 federation.

15 (5) The federation is not a charitable foundation.

16 (6) The federation is registered with the secretary of
17 state's office.

18 2. An applicable public employer may authorize deductions
19 from the salaries or wages of its employees of an amount
20 specified by an employee for payment to an eligible charitable
21 organization. The authorization by an employee for deductions
22 from the employee's salary or wages shall be evidenced by a
23 written request signed by the employee directed to and filed
24 with the treasurer, or official in charge of the payroll
25 system, of the applicable public employer and the treasurer or
26 responsible official shall deduct from the salary or wages of
27 the employee the amount specified for payment to the eligible
28 charitable organization. The request for the deduction may be
29 withdrawn by the employee at any time by filing a written
30 notification of withdrawal with the applicable treasurer or
31 responsible official in charge of the payroll system.

32 3. If an applicable public employer authorizes deductions
33 from the salaries or wages of its employees for payment to any
34 eligible charitable organization, the applicable public
35 employer shall ensure that an employee shall be permitted to

1 authorize a deduction to any eligible charitable organization.

2 Sec. 71. Section 103A.10, subsection 2, Code 2005, is
3 amended by adding the following new paragraph:

4 NEW PARAGRAPH. c. To all newly constructed buildings and
5 structures the construction of which is paid for in whole or
6 in part with moneys appropriated by the state but not wholly
7 owned by the state.

8 Sec. 72. NEW SECTION. 103A.10A PLAN REVIEWS AND
9 INSPECTIONS.

10 1. Beginning on January 1, 2007, all newly constructed
11 buildings or structures, excluding any addition, renovation,
12 or repair of a building or structure whether existing prior to
13 January 1, 2007, or thereafter, that are owned by the state or
14 an agency of the state, except as provided in subsection 2,
15 shall be subject to a plan review and inspection by the
16 commissioner or an independent building inspector appointed by
17 the commissioner. A fee shall be assessed for the cost of
18 plan review and the cost of inspection.

19 2. Beginning on July 1, 2007, all newly constructed
20 buildings, excluding any addition, renovation, or repair of a
21 building whether existing prior to July 1, 2007, or
22 thereafter, that are owned by the state board of regents shall
23 be subject to a plan review and inspection by the commissioner
24 or the commissioner's staff or assistant. The commissioner
25 and the state board of regents shall develop a plan to
26 implement the requirements of this subsection, including
27 funding recommendations related to plan review and inspection,
28 by March 1, 2007.

29 3. All newly constructed buildings and structures the
30 construction of which is paid for in whole or in part with
31 moneys appropriated by the state but not wholly owned by the
32 state are subject to the plan review and inspection
33 requirements as provided in this subsection. If a
34 governmental subdivision has adopted a building code,
35 electrical code, mechanical code, and plumbing code and

1 performs inspections pursuant to such codes, such buildings or
2 structures shall be built to comply with such codes. However,
3 if a governmental subdivision has not adopted a building code,
4 electrical code, mechanical code, and plumbing code, or does
5 not perform inspections pursuant to such codes, such buildings
6 or structures shall be built to comply with the state building
7 code and shall be subject to a plan review and inspection by
8 the commissioner or an independent building inspector
9 appointed by the commissioner. A fee shall be assessed for
10 the cost of plan review and the cost of inspection.

11 4. The commissioner shall administer this section
12 notwithstanding section 103A.19. The commissioner shall
13 establish by rule proper qualifications for an independent
14 building inspector and for the commissioner's staff or
15 assistant who performs inspections, and fees for plan reviews
16 and inspections.

17 Sec. 73. Section 147.106, subsection 1, paragraph e, Code
18 Supplement 2005, is amended to read as follows:

19 e. The referring clinical laboratory, other than the
20 laboratory of a physician's office or group practice, that
21 ordered the services. A laboratory of a physician's office or
22 group practice that ordered the services may be presented a
23 claim, bill, or demand for payment if a physician in the
24 physician's office or group practice is performing the
25 professional component of the anatomic pathology services.

26 Sec. 74. Section 147.106, subsection 5, Code Supplement
27 2005, is amended to read as follows:

28 5. This section does not prohibit claims or charges
29 presented by to a referring clinical laboratory, other than a
30 laboratory of a physician's office or group practice, to
31 unless in accordance with subsection 1, paragraph "e", by
32 another clinical laboratory when samples are transferred
33 between laboratories for the provision of anatomic pathology
34 services.

35 Sec. 75. Section 225C.48, subsection 1, Code 2005, if

1 amended by both 2006 Iowa Acts, House File 845, if enacted,
2 and by 2006 Iowa Acts, Senate File 2217, section 22, if
3 enacted, is amended by striking the subsection and inserting
4 in lieu thereof the following:

5 1. a. An eleven-member comprehensive family support
6 council is created in the department. The members of the
7 council shall be appointed by the governor. At least five of
8 the members shall be family members of individuals with a
9 disability as defined in section 225C.47. At least five of
10 the members shall be current or former service consumers or
11 family members of such service consumers. Members shall serve
12 for three-year staggered terms. A vacancy on the council
13 shall be filled in the same manner as the original
14 appointment.

15 b. The members of the council are entitled to
16 reimbursement of actual and necessary expenses incurred in the
17 performance of their official duties. In addition, the
18 members who are family members of individuals with a
19 disability or current or former service consumers or family
20 members of such service consumers are entitled to a stipend of
21 fifty dollars for each council meeting attended, subject to a
22 limit of one meeting per month. The expenses and stipend
23 shall be paid from the appropriation made for purposes of the
24 comprehensive family support program.

25 c. The council shall elect officers from among the
26 council's members.

27 Sec. 76. Section 232.147, subsection 2, paragraph b, if
28 enacted by 2006 Iowa Acts, House File 2651, section 1, is
29 amended to read as follows:

30 b. Official juvenile court records containing a petition
31 or complaint alleging delinquency filed on or after January 1,
32 2007, shall be public records subject to a confidentiality
33 order under section 232.149A or sealing under section 232.150.
34 ~~However,~~ the The official records shall not be available to
35 the public or any governmental agency through the internet or

1 in an electronic customized data report unless the child has
2 been adjudicated delinquent. However, the following shall
3 have access to official juvenile court records through the
4 internet or in an electronic customized data report prior to
5 the child being adjudicated delinquent:

6 (1) The judge and professional court staff, including
7 juvenile court officers.

8 (2) The child's counsel or guardian ad litem.

9 (3) The county attorney and the county attorney's
10 assistants.

11 (4) A court, court professional staff, and adult probation
12 officers in connection with the preparation of a presentence
13 report concerning a person who prior thereto had been the
14 subject of a juvenile court proceeding.

15 (5) A state or local law enforcement agency.

16 (6) The state public defender.

17 (7) The division of criminal and juvenile justice planning
18 of the department of human rights.

19 Sec. 77. Section 232.149A, subsection 3, if enacted by
20 2006 Iowa Acts, House File 2651, section 2, is amended by
21 adding the following new paragraph:

22 NEW PARAGRAPH. i. The state public defender.

23 Sec. 78. NEW SECTION. 257.12 ADJUSTMENT IN STATE
24 FOUNDATION AID.

25 1. If a school district is required to repay property
26 taxes paid for school taxes levied on property originally
27 assessed at five million dollars or more because the
28 assessment was subsequently reduced by the action of the
29 property assessment appeal board or judicial action and the
30 amount of the reduction in the assessment equals at least one
31 hundred thousand dollars or two percent of the assessed value
32 of all taxable property in the district prior to the
33 reduction, whichever is less, the school district is eligible
34 for an adjustment in state foundation aid. To receive the
35 adjustment in state foundation aid, the school district shall

1 apply to the department of management prior to the beginning
2 of the budget year following the budget year in which the
3 repayment of the property taxes occurred. The department of
4 management shall determine the amount of adjustment in state
5 foundation aid pursuant to subsection 2.

6 2. The department of management shall determine the amount
7 of state foundation aid which the school district would have
8 received under section 257.1 if the amount of the school
9 district's foundation property tax was determined using the
10 reduced assessment of the applicable property. The difference
11 between the amount of the state foundation aid using the
12 reduced assessment and the amount of state foundation aid
13 actually received under section 257.1 equals the amount of the
14 adjustment in state foundation aid to be paid to the school
15 district.

16 3. The adjustment in state foundation aid under this
17 section shall be paid as provided in section 257.16. If the
18 application to receive an adjustment in state aid was filed
19 prior to April 15, the adjustment shall be paid in the budget
20 year. If the application is made after April 15, the
21 adjustment shall be paid in the following budget year.

22 Sec. 79. Section 275.15, unnumbered paragraph 4, Code
23 2005, is amended to read as follows:

24 The administrator shall at once publish the decision in the
25 same newspaper in which the original notice was published.
26 Within twenty days after the publication, the decision
27 rendered by the area education agency board may be appealed to
28 the district court in the county involved by any school
29 district affected. For purposes of appeal, only those school
30 districts who filed reorganization petitions are school
31 districts affected. An appeal from a decision of an area
32 education agency board or joint area education agency boards
33 under section 275.4, 275.16, or this section is subject to
34 appeal procedures under this chapter and is not subject to
35 appeal under procedures set forth in chapter 290.

1 Sec. 80. Section 314.1, subsection 2, Code 2005, as
2 amended by 2006 Iowa Acts, House File 2713, section 27, is
3 amended to read as follows:

4 2. Notwithstanding any other provision of law to the
5 contrary, a public improvement that involves the construction,
6 reconstruction, or improvement of a highway, bridge, or
7 culvert and that has a cost in excess of the applicable
8 threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14, or
9 313.10, as modified by the bid threshold subcommittee pursuant
10 to section 314.1B, shall be advertised and let for bid, except
11 such public improvements that involve emergency work pursuant
12 to section 309.40A, 313.10, or 384.103, subsection 2. For a
13 city having a population of fifty thousand or less, a public
14 improvement that involves the construction, reconstruction, or
15 improvement of a highway, bridge, or culvert that has a cost
16 in excess of twenty-five thousand dollars, as modified by the
17 bid threshold subcommittee pursuant to section 314.1B, shall
18 be advertised and let for bid, excluding emergency work.

19 However, a public improvement that has an estimated total cost
20 to a city in excess of a threshold of fifty thousand dollars,
21 as modified by the bid threshold subcommittee pursuant to
22 section 314.1B, and that involves the construction,
23 reconstruction, or improvement of a highway, bridge, or
24 culvert that is under the jurisdiction of a city with a
25 population of more than fifty thousand, shall be advertised
26 and let for bid. Cities required to competitively bid
27 highway, bridge, or culvert work shall do so in compliance
28 with the contract letting procedures of sections 38.3 through
29 38.13.

30 Sec. 81. Section 352.2, subsection 7, Code 2005, is
31 amended to read as follows:

32 7. "Farm products" means those plants and animals and
33 their products which are useful to people and includes but is
34 not limited to forages and sod crops, grains and feed crops,
35 dairy and dairy products, poultry and poultry products,

1 livestock, canines from licensed facilities, fruits,
2 vegetables, flowers, seeds, grasses, trees, fish, honey, and
3 other similar products, or any other plant, animal, or plant
4 or animal product which supplies people with food, feed,
5 fiber, or fur.

6 Sec. 82. Section 421.17, subsection 27, paragraph j, if
7 enacted by 2006 Iowa Acts, House File 2521, is amended by
8 striking the paragraph and inserting in lieu thereof the
9 following:

10 j. Of the amount of debt actually collected pursuant to
11 this subsection an amount, not to exceed the amount collected,
12 which is sufficient to pay for salaries, support, maintenance,
13 services, and other costs incurred by the department related
14 to the administration of this subsection shall be retained by
15 the department. Revenues retained by the department pursuant
16 to this section shall be considered repayment receipts as
17 defined in section 8.2. The director shall, in the annual
18 budget request pursuant to section 8.23, make an estimate as
19 to the amount of receipts to be retained and the estimated
20 amount of additional receipts to be collected. The director
21 shall report annually to the department of management, the
22 legislative fiscal committee, and the legislative services
23 agency on any additional positions added and the costs
24 incurred during the previous fiscal year pursuant to this
25 subsection.

26 Sec. 83. Section 423.1, subsection 3, Code Supplement
27 2005, is amended to read as follows:

28 3. "Agricultural production" includes the production of
29 flowering, ornamental, or vegetable plants in commercial
30 greenhouses or otherwise, and production from aquaculture or
31 canines from licensed facilities. "Agricultural products"
32 includes flowering, ornamental, or vegetable plants and those
33 products of aquaculture or canines from licensed facilities.

34 Sec. 84. Section 427.1, subsection 21A, Code Supplement
35 2005, is amended by striking the subsection and inserting in

1 lieu thereof the following:

2 21A. DWELLING UNIT PROPERTY OWNED BY COMMUNITY HOUSING
3 DEVELOPMENT ORGANIZATION. Dwelling unit property owned and
4 managed by a community housing development organization, as
5 recognized by the state of Iowa and the federal government
6 pursuant to criteria for community housing development
7 organization designation contained in the HOME program of the
8 federal National Affordable Housing Act of 1990, if the
9 organization is also a nonprofit organization exempt from
10 federal income tax under section 501(c)(3) of the Internal
11 Revenue Code and owns and manages more than one hundred and
12 fifty dwelling units that are located in a city with a
13 population of more than one hundred ten thousand.

14 Sec. 85. NEW SECTION. 441.38A NOTICE TO SCHOOL DISTRICT.

15 In addition to any other requirement for providing of
16 notice, if a property owner or aggrieved taxpayer files a
17 protest against the assessment of property valued at five
18 million dollars or more or files an appeal to the property
19 assessment appeal board or the district court with regard to
20 such property, the assessor shall provide notice to the school
21 district in which such property is located within ten days of
22 the filing of the protest or the appeal, as applicable.

23 Sec. 86. Section 466A.3, subsection 1, paragraph b, Code
24 Supplement 2005, is amended to read as follows:

25 b. The board shall consist of four members of the general
26 assembly who shall serve as voting ex officio, nonvoting
27 members. Not more than one member from each house shall be
28 from the same political party. Two state senators shall be
29 appointed, one by the majority leader of the senate and one by
30 the minority leader of the senate. Two state representatives
31 shall be appointed, one by the speaker of the house of
32 representatives and one by the minority leader of the house of
33 representatives. A member may designate another person to
34 attend a board meeting if the member is unavailable. Only the
35 member is eligible for per diem and expenses as provided in

1 section 2.10.

2 Sec. 87. Section 631.14, Code 2005, is amended to read as
3 follows:

4 631.14 REPRESENTATION IN SMALL CLAIMS ACTIONS.

5 1. Actions constituting small claims may be brought or
6 defended by an individual, partnership, association,
7 corporation, or other entity. In actions in which a person
8 other than an individual is a party, that person may be
9 represented by an officer or an employee.

10 2. In actions concerning residential rental property that
11 is titled in the name of one or more individuals, an employee
12 of one or more of the titled owners, or an officer or employee
13 of a property management entity acting on behalf of one or
14 more of the titled owners, may bring or defend an action in
15 the name of the titled owners, the property management entity,
16 or the name by which the property is commonly known.

17 Notwithstanding any other provision to the contrary, if the
18 defendant or plaintiff has been improperly named in the
19 petition in an action concerning residential rental property,
20 the real party in interest shall be substituted at the time
21 the error is identified and the action shall not be dismissed
22 or delayed except to the extent necessary to identify and
23 serve the real parties in interest.

24 3. A person who in the regular course of business takes
25 assignments of instruments or accounts pursuant to chapter
26 539, which assignments constitute small claims, may bring an
27 action on an assigned instrument or account in the person's
28 own name and need not be represented by an attorney, provided
29 that in an action brought to recover payment on a dishonored
30 check or draft, as defined in section 554.3104, the action is
31 brought in the county of residence of the maker of the check
32 or draft or in the county where the draft or check was first
33 presented. Any person, however, may be represented in a small
34 claims action by an attorney.

35 Sec. 88. 2006 Iowa Acts, Senate File 2251, section 1,

1 subsection 2, paragraph b, is amended by adding the following
2 new subparagraphs:

3 NEW SUBPARAGRAPH. (35) The Iowa podiatric medical
4 society.

5 NEW SUBPARAGRAPH. (36) The Iowa speech-language hearing
6 association.

7 Sec. 89. EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

8 1. The section of this division of this Act amending
9 section 7D.29, being deemed of immediate importance, takes
10 effect upon enactment.

11 2. The section of this division of this Act amending
12 section 427.1, subsection 21A, being deemed of immediate
13 importance, takes effect upon enactment and applies
14 retroactively to January 1, 2005, for assessment years
15 beginning on or after that date.

16 3. The section of this division of this Act enacting
17 section 441.38A takes effect January 1, 2007, and applies to
18 assessment years beginning on or after that date.

19 DIVISION VI

20 SETTLEMENT OF STATE FINANCIAL AND TORT CLAIMS

21 Sec. 90. Section 8.6, Code 2005, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 15. STATE TORT CLAIMS -- RISK MANAGEMENT
24 COORDINATOR. Designate a position within the department to
25 serve as the executive branch's risk management coordinator.
26 The risk management coordinator shall have all of the
27 following responsibilities:

28 a. Coordinating and monitoring risk control policies and
29 programs in the executive branch, including but not limited to
30 coordination with the employees of departments who are
31 responsible for the workers' compensation for state employees
32 and management of state property.

33 b. Consulting with the attorney general with respect to
34 the risk control policies and programs and trends in claims
35 and liability of the state under chapter 669.

1 c. Coordinating the state's central data repository for
2 claims and risk information.

3 The costs of salary, benefits, and support for the risk
4 management coordinator shall be authorized by the state appeal
5 board established in chapter 73A and shall be paid as claims
6 for services furnished to the state under section 25.2.

7 Sec. 91. Section 8A.512, subsection 1, paragraph b,
8 subparagraph (3), Code 2005, is amended to read as follows:

9 (3) Claims approved by an agency according to the
10 provisions of ~~sections 25.1 and~~ section 25.2.

11 Sec. 92. Section 22.7, subsection 32, Code Supplement
12 2005, is amended to read as follows:

13 32. Social security numbers of the owners of unclaimed
14 property reported to the treasurer of state pursuant to
15 section 556.11, subsection 2, included on claim forms filed
16 with the treasurer of state pursuant to section 556.19,
17 included in outdated warrant reports received by the treasurer
18 of state pursuant to section ~~25.2~~ 556.2C, or stored in record
19 systems maintained by the treasurer of state for purposes of
20 administering chapter 556, or social security numbers of
21 payees included on state warrants included in records systems
22 maintained by the department of administrative services for
23 the purpose of documenting and tracking outdated warrants
24 pursuant to section ~~25.2~~ 556.2C.

25 Sec. 93. Section 25.1, subsection 1, Code 2005, is amended
26 to read as follows:

27 1. When Except for those claims that are addressed as
28 provided in section 25.2, subsection 2, when a claim is filed
29 or made against the state, on which in the judgment of the
30 director of the department of management the state would be
31 liable except for the fact of its sovereignty or that it has
32 no appropriation available for its payment, the director of
33 the department of management shall deliver that claim to the
34 state appeal board. However, this chapter does not apply to a
35 claim as defined in section 669.2.

1 Sec. 94. Section 25.1, subsection 3, Code 2005, is amended
2 by striking the subsection.

3 Sec. 95. Section 25.1, unnumbered paragraph 1, Code 2005,
4 is amended by striking the unnumbered paragraph.

5 Sec. 96. Section 25.2, subsection 1, unnumbered paragraph
6 1, Code 2005, is amended to read as follows:

7 The state appeal board with the recommendation of the
8 special assistant attorney general for claims may approve or
9 reject claims against the state of less than ~~ten~~ five years
10 involving the following:

11 Sec. 97. Section 25.2, subsection 1, paragraph a, Code
12 2005, is amended by striking the paragraph.

13 Sec. 98. Section 25.2, Code 2005, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 1A. Notwithstanding the time period
16 specified in subsection 1, the state appeal board may approve
17 or reject a claim against the state of five years or more,
18 provided an error was made by the state or the claim involves
19 a dispute that commenced five years or more prior.

20 Sec. 99. Section 25.2, subsection 2, Code 2005, is amended
21 to read as follows:

22 2. a. Notwithstanding subsection 1, an agency that
23 receives a claim that is charged to a funding source other
24 than the general fund of the state that does not revert and is
25 based on an outdated invoice, outdated division for
26 merchandise, or for services furnished to the state pursuant
27 ~~to-section-25-17-subsection-3~~, may on its own approve or deny
28 the claim. The agency shall provide the state appeal board
29 with notification of receipt of the claim and action taken on
30 the claim by the agency. The state appeal board shall adopt
31 rules setting forth the procedures and standards for
32 resolution of such claims by state agencies. Claims denied by
33 an agency shall be forwarded to the state appeal board by the
34 agency for further consideration, in accordance with this
35 chapter.

1 b. The department of administrative services staff
2 performing financial administration duties under chapter 8A,
3 subchapter V, shall establish reporting requirements for
4 dealing with claims under this subsection as necessary to
5 conform with generally accepted accounting principles.

6 Sec. 100. Section 25.2, subsection 4, Code 2005, is
7 amended by striking the subsection and inserting in lieu
8 thereof the following:

9 4. Outstanding state warrants that have been canceled
10 pursuant to section 8A.519 and were charged to the general
11 fund of the state or another state funding source shall be
12 addressed as provided in section 556.2C.

13 Sec. 101. Section 25.2, subsection 5, Code 2005, is
14 amended by striking the subsection.

15 Sec. 102. NEW SECTION. 556.2C OUTSTANDING STATE
16 WARRANTS.

17 1. a. An unpaid, outdated warrant that is canceled
18 pursuant to section 8A.519 shall be included in a list of
19 outstanding state warrants maintained by the director of the
20 department of administrative services. On or before July 1 of
21 each year, the director of the department of administrative
22 services shall provide the office of the treasurer of state
23 with a consolidated list of such outstanding warrants that
24 have not been previously reported to the office.

25 b. The consolidated list shall be accompanied by
26 supporting information as specified by the treasurer of state.
27 The treasurer of state may include information regarding the
28 outstanding warrants in the notice published pursuant to
29 section 556.12 and on the treasurer of state's official
30 internet website.

31 c. The reporting requirements of this section do not apply
32 to outdated warrants charged to federal grants or other
33 nonstate funds for which funding is no longer available as
34 described in section 25.2.

35 2. An agreement to pay compensation to recover or assist

1 in the recovery of an outstanding warrant made within twenty-
2 four months after the date the warrant is canceled is
3 unenforceable. However, an agreement made after twenty-four
4 months from the date the warrant is canceled is valid if the
5 fee or compensation agreed upon is not more than fifteen
6 percent of the recoverable property, the agreement is in
7 writing and signed by the payee, and the writing discloses the
8 nature and value of the property and the name and address of
9 the person in possession. This subsection does not apply to a
10 payee who has a bona fide fee contract with a practicing
11 attorney regulated under chapter 602, article 10.

12 Sec. 103. Section 556.18, subsection 2, Code 2005, is
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. d. Any costs in connection with
15 information on outstanding state warrants addressed pursuant
16 to section 556.2C.

17 Sec. 104. Section 669.2, subsection 2, Code Supplement
18 2005, is amended to read as follows:

19 2. "Award" means any amount determined by the ~~state-appeal~~
20 board attorney general to be payable to a claimant under
21 section 669.3, and the amount of any compromise or settlement
22 under section 669.9.

23 Sec. 105. Section 669.3, Code 2005, is amended to read as
24 follows:

25 669.3 ADJUSTMENT AND SETTLEMENT OF CLAIMS.

26 1. ~~Authority-is-hereby-conferred-upon-the-state-appeal~~
27 ~~board,-acting~~ The attorney general, on behalf of the state of
28 Iowa, ~~subject-to-the-advice-and-approval-of-the-attorney~~
29 ~~general,-to~~ shall consider, ascertain, adjust, compromise,
30 settle, determine, and allow any claim ~~as-defined-in that is~~
31 subject to this chapter. ~~If-any-claim-is-compromised,-~~
32 ~~settled,-or-allowed-in-an-amount-of-more-than-five-thousand~~
33 ~~dollars,-the-unanimous-approval-of-all-members-of-the-state~~
34 ~~appeal-board-and-the-attorney-general-shall-be-required-and~~
35 ~~the-approval-of-the-district-court-of-the-state-of-Iowa-for~~

1 ~~Polk county shall also be required:~~

2 2. ~~Claims~~ A claim made under this chapter shall be filed
3 with the director of the department of management, who shall
4 acknowledge receipt on behalf of the state ~~appeal-board~~.

5 3. The state appeal board shall adopt rules and procedures
6 for the handling, processing, and investigation of claims,
7 ~~according to the provisions of the Iowa administrative~~
8 ~~procedure Act,~~ in accordance with chapter 17A.

9 Sec. 106. Section 669.4, unnumbered paragraph 5, Code
10 2005, is amended by striking the unnumbered paragraph.

11 Sec. 107. Section 669.5, Code 2005, is amended to read as
12 follows:

13 669.5 WHEN SUIT PERMITTED -- EMPLOYEES OF THE STATE.

14 1. No A suit shall not be permitted for a claim under this
15 chapter unless the ~~state-appeal-board~~ attorney general has
16 made final disposition of the claim, ~~except that if.~~ However,
17 if the state-appeal-board attorney general does not make final
18 disposition of a claim within six months after the claim is
19 made in writing to the ~~state-appeal-board~~ director of the
20 department of management, the claimant may, by notice in
21 writing, withdraw the claim from consideration ~~of the state~~
22 ~~appeal-board~~ and begin suit under this chapter. Disposition
23 of or offer to settle any claim made under this chapter shall
24 not be competent evidence of liability or amount of damages in
25 any suit under this chapter.

26 2. a. Upon certification by the attorney general that a
27 defendant in a suit was an employee of the state acting within
28 the scope of the employee's office or employment at the time
29 of the incident upon which the claim is based, the suit
30 commenced upon the claim shall be deemed to be an action
31 against the state under the provisions of this chapter, and if
32 the state is not already a defendant, the state shall be
33 substituted as the defendant in place of the employee.

34 b. If the attorney general refuses to certify that a
35 defendant was acting within the scope of the defendant's

1 office or employment as described in paragraph "a" at the time
2 of the incident out of which the claim arose, the defendant
3 may petition the court, with notice to the attorney general,
4 for the court to find and certify that the defendant was an
5 employee of the state and was acting within the scope of the
6 defendant's office or employment. The defendant must file the
7 petition within ninety days of the date the attorney general
8 serves notice of the attorney general's refusal to provide
9 certification as provided in paragraph "a". If the court
10 issues the finding and certification, the suit shall be deemed
11 to be brought against the state and subject to the provisions
12 of this chapter and the state shall be substituted as the
13 defendant party unless the state is already a defendant. If
14 the court denies the petition for certification, the order
15 shall not be a final order and is not subject to interlocutory
16 appeal by the defendant.

17 Sec. 108. Section 669.13, Code 2005, is amended to read as
18 follows:

19 669.13 LIMITATION OF ACTIONS.

20 1. Every A claim and or suit otherwise permitted under
21 this chapter shall be forever barred, unless within two years
22 after such the claim accrued, the claim is made in writing to
23 and filed with the state-appeal-board director of the
24 department of management under this chapter. The time to
25 begin a suit under this chapter shall be extended for a period
26 of six months from the date of mailing of notice to the
27 claimant by the state-appeal-board attorney general as to the
28 final disposition of the claim or from the date of withdrawal
29 of the claim from-the-state-appeal-board under section 669.5,
30 if the time to begin suit would otherwise expire before the
31 end of such the period.

32 2. If a claim is made or filed under any other law of this
33 state and a determination is made by a state agency or court
34 that this chapter provides the exclusive remedy for the claim,
35 the time two-year period authorized in subsection 1 to make a

1 claim and to begin a suit under this chapter shall be extended
2 for a period of six months from the date of the court order
3 making such determination or the date of mailing of notice to
4 the claimant of such determination by a state agency, if the
5 time to make the claim and to begin the suit under this
6 chapter would otherwise expire before the end of such the two-
7 year period. The time to begin a suit under this chapter may
8 be further extended as provided in ~~the preceding paragraph~~
9 subsection 1.

10 3. This section is the only statute of limitations
11 applicable to claims as defined in this chapter.

12 Sec. 109. Section 669.15, Code 2005, is amended to read as
13 follows:

14 669.15 ~~ATTORNEY'S~~ ATTORNEY FEES AND EXPENSES.

15 The court rendering a judgment for ~~the a~~ claimant under
16 this chapter, ~~or the state appeal board, with the advice and~~
17 ~~approval of~~ the attorney general, making an award under
18 section 669.3, ~~or the attorney general making an award under~~
19 ~~section 669.9, as the case may be,~~ shall, as a part of the
20 judgment or award, determine and allow reasonable ~~attorney's~~
21 attorney fees and expenses, to. The attorney fees and
22 expenses shall be paid out of but not in addition to the
23 amount of judgment or award recovered, to the attorneys
24 representing the claimant. Any attorney who charges, demands,
25 receives, or collects for services rendered in connection with
26 such claim any amount in excess of that allowed under this
27 section, if recovery be had, shall be guilty of a serious
28 misdemeanor.

29 Sec. 110. Section 669.18, Code 2005, is amended to read as
30 follows:

31 669.18 EXTENSION OF TIME.

32 If a claim is made or a suit is begun under this chapter,
33 and if a determination is made by the ~~state appeal board~~
34 attorney general or by the court that the claim or suit is not
35 permitted under this chapter for any reason other than lapse

1 of time, the time to make a claim or to begin a suit under any
2 other applicable law of this state shall be extended for a
3 period of six months from the date of the court order making
4 such determination or the date of mailing of notice to the
5 claimant of such determination by the ~~state-appeal-board~~
6 attorney general, if the time to make the claim or begin the
7 suit under such other law would otherwise expire before the
8 end of such period.

9 Sec. 111. Section 669.19, Code 2005, is amended to read as
10 follows:

11 669.19 INVESTIGATION OF CLAIMS BEFORE-APPEAL-BOARD.

12 ~~Chapter-25-does-not-apply-to-claims-as-defined-in-this~~
13 ~~chapter.---However, any or all of the provisions of sections~~
14 ~~25.17-25.47-and-25.5-may-be-made-applicable-to-claims-as~~
15 ~~defined-in-this-chapter-by-agreement-between-the-attorney~~
16 ~~general-and-the-state-appeal-board-from-time-to-time. The~~
17 attorney general shall fully investigate each claim under this
18 chapter and may exercise the authority provided in section
19 25.5 in performing the investigation.

20 Sec. 112. Section 669.20, Code 2005, is amended to read as
21 follows:

22 669.20 LIABILITY INSURANCE.

23 Whenever If a claim or suit against the state is covered by
24 liability insurance, the provisions of the liability insurance
25 policy on defense and settlement shall be applicable
26 notwithstanding any inconsistent provisions of this chapter.
27 ~~The attorney general and-the-state-appeal-board~~ shall co-
28 ~~operate~~ cooperate with the insurance company.

29 Sec. 113. Section 669.21, Code 2005, is amended to read as
30 follows:

31 669.21 EMPLOYEES DEFENDED AND INDEMNIFIED.

32 1. The Except as otherwise provided in subsection 2, the
33 state shall defend any employee, and shall indemnify and hold
34 harmless an employee against any claim as defined in section
35 669.2, subsection 3, paragraph "b", including claims arising

1 under the Constitution, statutes, or rules of the United
2 States or of any state.

3 2. a. The duty to indemnify and hold harmless shall not
4 apply and the state shall be entitled to restitution from an
5 employee if the employee fails to cooperate in the
6 investigation or defense of the claim, as defined in this
7 section, or if, in an action commenced by the state against
8 the employee, it is determined that the conduct of the
9 employee upon which a tort claim or demand was based
10 constituted a willful and wanton act or omission or
11 malfeasance in office.

12 b. The duty to indemnify and hold harmless shall not apply
13 if, in a suit commenced against the employee, the state has
14 been substituted as the defendant in place of the employee, as
15 provided in section 669.5.

16 DIVISION VII

17 CORRECTIVE PROVISIONS

18 Sec. 114. Section 8A.204, subsection 3, paragraph g,
19 subparagraph (4), unnumbered paragraph 2, as enacted by 2006
20 Iowa Acts, House File 2705, section 1, is amended to read as
21 follows:

22 The board shall keep detailed minutes of all discussion,
23 persons present, and action occurring at a closed session, and
24 shall also tape record all of the closed session. The minutes
25 and the tape recording of a session closed under this
26 subparagraph shall be made available for public examination
27 when a final decision is made regarding whether to issue the
28 request for proposals. All board actions and decisions
29 regarding this information shall be made in open ~~meetings~~
30 session and appropriately recorded.

31 Sec. 115. Section 35A.14, subsection 3, if enacted by 2006
32 Iowa Acts, Senate File 2312, section 1, is amended to read as
33 follows:

34 3. The department may receive and accept donations,
35 grants, gifts, and contributions from any public or private

1 source for the purpose of providing grants under this section.
2 Moneys received by the department pursuant to this subsection
3 shall be deposited in an injured veterans trust fund which
4 shall be created in the state treasury under the control of
5 the department. Moneys credited to the trust fund ~~shall be~~
6 are appropriated to the department for the purpose of
7 providing injured veterans grants under this section and shall
8 not be transferred, used, obligated, appropriated, or
9 otherwise encumbered, except as provided in this section.
10 Notwithstanding section 12C.7, subsection 2, interest or
11 earnings on moneys in the trust fund shall be credited to the
12 trust fund.

13 Sec. 116. Section 70A.23, subsection 3, paragraph a, as
14 enacted by 2006 Iowa Acts, Senate File 2231, is amended to
15 read as follows:

16 a. An eligible state employee, excluding an employee
17 covered under a collective bargaining agreement which provides
18 otherwise or an employee of the state board of regents, who
19 retires and receives a payment as provided in subsection 2
20 shall be entitled to elect to have the employee's available
21 remaining value of sick leave ~~to be~~ used to pay the state
22 share for the employee's continuation of state group health
23 insurance coverage pursuant to the requirements of this
24 subsection.

25 Sec. 117. Section 91.4, subsection 9, Code 2005, as
26 amended by 2006 Iowa Acts, House File 2586, section 1, if
27 enacted, is amended to read as follows:

28 9. The commissioner may establish rules pursuant to
29 chapter 17A to assess and collect interest on fees, penalties,
30 and other amounts due the division. The commissioner may
31 delay, or, following written notice, deny the issuance of a
32 license, commission, registration, certificate, or permit
33 authorized under chapter 88A, 89, 89A, 90A, 91C, or 94A if the
34 applicant for the license, commission, registration,
35 certificate, or permit owes a liquidated debt to the

1 commissioner.

*2 Sec. 118. Section 123.3, subsection 37, as amended by 2006
3 Iowa Acts, Senate File 2305, section 1, is amended to read as
4 follows:

5 37. "Wine" means any beverage containing more than five
6 percent of alcohol by weight but not more than seventeen
7 percent of alcohol by weight or twenty-one and twenty-five
8 hundredths percent of alcohol by volume obtained by the
9 fermentation of the natural sugar contents of fruits or other
10 agricultural products but excluding any product containing
11 alcohol derived from malt or by the distillation process from
12 grain, cereal, molasses, or cactus.

13 Sec. 119. Section 124.506A, subsection 1, as enacted by
14 2006 Iowa Acts, House File 2696, section 1, is amended to read
15 as follows:

16 1. Notwithstanding the provisions of section 124.506, if
17 more than ten pounds of marijuana or more than one pound of
18 any other controlled substance is seized in as a result of a
19 violation of this chapter, the law enforcement agency
20 responsible for retaining the seized controlled substance may
21 destroy the seized controlled substance if the law enforcement
22 agency retains at least ten pounds of the marijuana seized or
23 at least one pound of any other controlled substance seized
24 for evidence purposes.

25 Sec. 120. Section 266.27, Code 2005, as amended by 2006
26 Iowa Acts, Senate File 2253, section 34, is amended to read as
27 follows:

28 266.27 ACT ACCEPTED.

29 The assent of the general assembly of the state of Iowa is
30 hereby given to the provisions and requirements of the Smith-
31 Lever Act, 38 Stat. 372-374, approved May 8, 1914, and any
32 amendments to that Act, codified at 7 U.S.C. § 341 -- 349.

33 Sec. 121. Section 331.756, subsection 44, Code Supplement
34 2005, is amended by striking the subsection.

35 Sec. 122. Section 455G.31, subsection 2, paragraph a, if

1 enacted by 2006 Iowa Acts, House File 2754, section 25, is
2 amended to read as follows:

3 a. For gasoline storage and dispensing infrastructure
4 other than the dispenser, the department of natural resources
5 under this chapter or the state fire marshal under chapter
6 1017-~~division-FF~~ must determine that it is compatible with E-
7 85 gasoline.

8 Sec. 123. Section 541A.3, subsection 1, unnumbered
9 paragraph 1, Code 2005, as amended by 2006 Iowa Acts, House
10 File 2644, section 5, is amended to read as follows:

11 Payment by the state of a savings refund on amounts of up
12 to two thousand dollars per calendar year that an account
13 holder deposits in the account holder's account. Moneys
14 transferred to an individual development account from another
15 individual development account and a savings refund received
16 by the account holder in accordance with this section 541A-3
17 shall not be considered an account holder deposit for purposes
18 of determining a savings refund. Payment of a savings refund
19 either shall be made directly to the account holder or to an
20 operating organization's central reserve account for later
21 distribution to the account holder in the most appropriate
22 manner as determined by the administrator. The state savings
23 refund shall be the indicated percentage of the amount
24 deposited:

25 Sec. 124. Section 602.8102, subsection 38, Code Supplement
26 2005, is amended by striking the subsection.

27 Sec. 125. 2006 Iowa Acts, House File 2238, section 2,
28 subsection 1, paragraph d, is amended to read as follows:

29 d. Of the amount allocated to eligible services providers
30 under paragraph "c", 70 percent shall be distributed to the
31 state's accredited community mental health centers established
32 or designated by counties in accordance with law or
33 administrative rule. If a county has not established or
34 designated a community mental health center and has received a
35 waiver from the mental health and, mental retardation,

1 developmental disabilities, and brain injury commission, the
2 mental health services provider designated by that county is
3 eligible to receive funding distributed pursuant to this
4 paragraph in lieu of a community mental health center. The
5 funding distributed shall be used by recipients of the funding
6 for the purpose of developing and providing evidence-based
7 practices and emergency services to adults with a serious
8 mental illness and children with a serious emotional
9 disturbance. The distribution amounts shall be announced at
10 the beginning of the federal fiscal year and distributed on a
11 quarterly basis according to the formulas used in previous
12 fiscal years. Recipients shall submit quarterly reports
13 containing data consistent with the performance measures
14 approved by the federal substance abuse and mental health
15 services administration.

16 Sec. 126. CONTINGENT REPEAL -- IPERS. The section of 2006
17 Iowa Acts, House File 2245, amending section 97B.1A,
18 subsection 24, paragraph "c", is repealed if the section of
19 2006 Iowa Acts, House File 729, amending section 97B.1A,
20 subsection 24, paragraph "c", is enacted.

21 Sec. 127. 2006 Iowa Acts, House File 2713, as enacted, is
22 amended by adding the following new section:

23 SEC. 23A. Section 256F.4, subsection 8, Code 2005, is
24 amended to read as follows:

25 8. A charter school may enter into contracts in accordance
26 with chapter 73A 38.

27 Sec. 128. COLLABORATIVE EDUCATIONAL FACILITY -- CODE
28 EDITOR DIRECTIVE. The Code editor shall codify the provisions
29 of 2006 Iowa Acts, House File 864, notwithstanding that the
30 Act was drafted to the Code 2005 rather than to the Code
31 Supplement 2005. The provisional numbering in that Act in
32 section 423.3 of new subsection 85 and in section 423.4 of new
33 subsection 4 used subsection numbers that were not assigned in
34 the Code 2005 and their use in that Act does not imply that
35 the subsections in sections 423.3 and 423.4, Code Supplement

1 2005, with those same subsection numbers, are in any way
2 affected. In addition, the Code editor, under the authority
3 of section 2B.13 relating to the correction of internal
4 references to sections which have been repealed, shall insert
5 before the references to chapter 504A in sections 2 and 3 of
6 that Act the words "former chapter".

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HOUSE FILE 2797

S-5268

1 Amend House File 2797, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 39, by inserting after line 26 the
4 following:

5 "Sec. _____. Section 232.116, subsection 1, Code
6 2005, is amended by adding the following new
7 paragraph:

8 NEW PARAGRAPH. o. The parent has been convicted
9 of a felony offense that is a criminal offense against
10 a minor as defined in section 692A.1, and the parent
11 is serving a minimum sentence of confinement of at
12 least five years."

13 2. Page 45, by inserting after line 1 the
14 following:

15 "Sec. _____. Section 600A.8, Code Supplement 2005,
16 is amended by adding the following new subsection:

17 NEW SUBSECTION. 10. The parent has been convicted
18 of a felony offense that is a criminal offense against
19 a minor as defined in section 692A.1, and the parent
20 is serving a minimum sentence of confinement of at
21 least five years."

22 3. By renumbering as necessary.

By KEITH A. KREIMAN

PAT WARD

MICHAEL E. GRONSTAL

S-5268 FILED MAY 3, 2006

WITHDRAWN

HOUSE FILE 2797

S-5266

1 Amend House File 2797, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 45, by striking lines 2 through 34.

By KEITH A. KREIMAN

PAT WARD

S-5266 FILED MAY 3, 2006

WITHDRAWN

S-5273

1 Amend House File 2797, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 55, by inserting after line 15, the
4 following:

"DIVISION

ENERGY CONSERVATION

7 Sec. ____ . NEW SECTION. 297A.1 STATE POLICY.

8 The general assembly finds that investment in
9 energy conservation measures by public facilities can
10 reduce the amount of energy consumed by the facilities
11 and produce both immediate and long-term cost savings.
12 It is the policy of this state to encourage school
13 districts, area education agencies, community
14 colleges, public universities, municipalities,
15 counties, and state institutions to invest in facility
16 technology infrastructure upgrades and energy
17 conservation measures that reduce energy consumption,
18 produce a cost savings, or improve the quality of
19 indoor air, or when economically feasible, to build,
20 operate, maintain, or renovate public facilities in a
21 manner which will minimize energy consumption or
22 maximize energy savings. It is additionally the
23 policy of this state to encourage reinvestment of
24 energy savings resulting from energy conservation
25 measures and facility technology infrastructure
26 upgrades into additional and continued energy
27 conservation efforts, including but not limited to
28 school instructional computer hardware, software, and
29 other technology equipment or training needs to
30 maintain or operate technology systems. The
31 department of natural resources, in consultation with
32 the department of education, shall adopt rules
33 pursuant to chapter 17A for the administration of this
34 chapter.

35 Sec. ____ . NEW SECTION. 297A.2 DEFINITIONS.

36 As used in this chapter, unless the context
37 otherwise requires:

38 1. "Energy conservation measure or facility
39 technology infrastructure upgrade" means an employee
40 training program, facility alteration, or equipment to
41 be used in new construction, including an addition to
42 an existing facility, that reduces energy costs and
43 includes, but is not limited to, any of the following:

44 a. Insulation of the facility structure or systems
45 within the facility.

46 b. Storm windows or doors, caulking or weather
47 stripping, multiple-glazed windows or doors, heat-
48 absorbing or heat-reflective glazed and coated window
49 or door systems, additional glazing, reductions in
50 glass area, or other window and door system

S-5273

1 modifications that reduce energy consumption.
2 c. Automated or computerized energy control
3 systems including related software-required network
4 communication wiring, computer devices, wiring and
5 support services for building maintenance or delivery
6 of energy conservation services. Any cost for support
7 services that will continue beyond the length of the
8 contract shall be identified specifically in the
9 energy performance-based evaluation, including but not
10 limited to continuation of personnel costs. Energy
11 control system technology infrastructure may be used,
12 as applicable, for other public corporation technology
13 needs. Other technology infrastructure improvements
14 may be implemented if the cost is supported by the
15 energy savings generated by other energy conservation
16 measures or facility technology infrastructure
17 upgrades.

18 d. Heating, ventilating, or air conditioning
19 system modifications or replacements.

20 e. Replacement or modification of lighting
21 fixtures to increase the energy efficiency of the
22 lighting system which, at a minimum, shall conform to
23 the applicable state or local building code.

24 f. Energy recovery systems.

25 g. Renewable energy systems, such as solar,
26 biomass, and wind.

27 h. Devices that reduce water consumption or sewer
28 charges.

29 i. Any measure not otherwise defined that produces
30 energy cost savings or British thermal unit
31 reductions.

32 An energy conservation measure or facility
33 technology infrastructure upgrade as defined in this
34 subsection shall be outside the scope of routine
35 maintenance and installation of existing equipment.

36 2. "Energy cost savings" means a measured
37 reduction in fuel, energy, or operation and
38 maintenance cost savings created from the
39 implementation of one or more energy conservation
40 measures or facility technology infrastructure
41 upgrades when compared with an established baseline
42 for previous fuel, energy, or operation and
43 maintenance costs.

44 3. "Energy performance-based contract" means a
45 contract for the recommendation and implementation of
46 energy conservation measures or facility technology
47 infrastructure upgrades which includes, at a minimum,
48 all of the following:

49 a. The design and installation of equipment to
50 implement one or more energy conservation measures or

1 facility technology infrastructure upgrades, and, if
2 applicable, operation and maintenance of such measures
3 or upgrades.

4 b. The amount of any actual annual energy and
5 operational cost savings. The amount shall be
6 guaranteed in the contract by the qualified provider
7 and verified by a professional engineer or registered
8 architect who is not employed or has contracted with
9 the qualified provider. The verification shall occur
10 using a process established by the department of
11 natural resources.

12 4. "Energy performance-based evaluation" means
13 performance of an energy audit, data collection, or
14 other related analyses preliminary to the undertaking
15 of energy conservation measures or facility technology
16 infrastructure upgrades, and maintenance of project
17 monitoring and data collection to verify
18 postinstallation energy consumption and energy-related
19 operating costs. The department of natural resources
20 shall establish performance guidelines that consider
21 federal energy management program guidelines. Any
22 cost for support services for building maintenance or
23 delivery of energy conservation services that will
24 continue beyond the length of an energy
25 performance-based contract shall be identified
26 specifically in the energy performance-based
27 evaluation.

28 5. "Maintenance cost savings" means auditable
29 operating expenses eliminated and future capital
30 replacement expenditures avoided as a result of new
31 equipment installed or services performed by the
32 qualified provider including, but not limited to,
33 savings which can be measured by an itemization of the
34 maintenance savings cost between operational savings
35 and personnel savings.

36 6. "Public corporation" means a school district as
37 described in chapter 274, an area education agency as
38 described in chapter 273, a community college as
39 defined in chapter 260C, a public university, city,
40 county, or state agency.

41 7. "Qualified provider" means a business or person
42 that has been qualified by the department of natural
43 resources. The department of natural resources shall
44 adopt rules pursuant to chapter 17A to establish a
45 qualifications process. The process shall consider
46 accreditation by the national association of energy
47 service companies, certification by the association of
48 energy engineers, or professional licensure as an
49 engineer or registered architect in Iowa. A business
50 or person accredited by the national association of

1 energy service companies shall be qualified in Iowa.

2 Sec. . NEW SECTION. 297A.3 REQUESTS FOR

3 PROPOSALS EVALUATION.

4 1. Prior to entering into an energy
5 performance-based contract as provided in section
6 297A.4, a public corporation shall announce a request
7 for proposals. A request for proposals shall be
8 advertised for public bidding and let publicly. The
9 model request for proposals format developed by the
10 department of natural resources shall be made
11 available for use by public corporations. A public
12 corporation shall administer the public bidding and
13 letting, requesting innovative solutions and proposals
14 for energy conservation measures and facility
15 technology infrastructure upgrades. Proposals
16 submitted shall be sealed. If the model request for
17 proposals format is not used, the request for
18 proposals shall include, at a minimum, all of the
19 following:

- 20 a. Name and address of the public corporation.
- 21 b. Name, address, title, and telephone number of a
22 contact person for the public corporation.
- 23 c. Notice indicating that the public corporation
24 is requesting qualified providers to propose energy
25 conservation measures and facility technology
26 infrastructure upgrades to be provided pursuant to an
27 energy performance-based contract.
- 28 d. Date, time, and place where proposals must be
29 received.
- 30 e. Evaluation criteria for assessing the
31 proposals.
- 32 f. Any other stipulations and clarifications the
33 public corporation may require.

34 2. The public corporation shall evaluate any
35 sealed proposal from a qualified provider. Sealed
36 proposals shall be opened by a designated member or
37 employee of the governing body of the public
38 corporation at a public meeting during which the
39 contents of the proposals shall be announced. Each
40 person submitting a sealed proposal must receive at
41 least ten days' notice of the time and place of the
42 public meeting at which the public corporation
43 proposes to award an energy performance-based
44 contract. The public corporation shall analyze each
45 qualified provider's estimate of the cost of design,
46 engineering, installation, maintenance, repairs, debt
47 service, conversions to a different energy or fuel
48 source, and postinstallation project monitoring, data
49 collection, and reporting. The evaluation shall
50 include a detailed analysis of whether the energy

1 consumed or the operating costs, or both, will be
2 reduced. Selection of the qualified provider shall,
3 through either a request for proposals process or
4 other purchasing method, constitute selection of the
5 best value based on life cycle cost analysis of the
6 component parts and systems to the public corporation.
7 Preference shall be given to proposals that utilize
8 local or Iowa-based financial institutions.
9 Preference may also be given to proposals that
10 minimize a negative impact on school staffing. The
11 public corporation may enter into an energy
12 performance-based contract.

13 Sec. ____ . NEW SECTION. 297A.4 AWARD OF
14 GUARANTEED ENERGY COST SAVINGS CONTRACT.

15 1. A public corporation shall select a qualified
16 provider that best meets the needs of the public
17 corporation based on life cycle cost analysis. After
18 completing its evaluation of the proposals received
19 pursuant to section 297A.3, the public corporation
20 shall provide public notice of the public meeting at
21 which it proposes to award an energy performance-based
22 contract. The public notice shall contain the names
23 of the parties to the proposed contract and the
24 purpose of the contract. The public notice shall be
25 published at least ten days prior to the public
26 meeting. A public corporation may enter into an
27 energy performance-based contract with a qualified
28 provider if it finds, after evaluating the proposal
29 pursuant to section 297A.3, that the total amount the
30 public corporation would spend on the design,
31 implementation, financing, and performance management
32 of the energy conservation measures or facility
33 technology infrastructure upgrades and modernization
34 measures recommended in the proposal would not exceed
35 the amount to be saved in either energy or operational
36 costs, or both, within a twenty-year period from the
37 date of installation of such measures or upgrades,
38 based on life-cycle costing calculations, if the
39 recommendations in the proposal are followed. Each
40 individual improvement must pay for itself within the
41 useful life of the equipment, as determined by the
42 American society of heating, refrigeration, and air
43 conditioning engineers.

44 2. A public corporation may enter into a financing
45 agreement as provided in sections 473.19, 473.20, and
46 473.20A, for the purchase and installation of energy
47 conservation measures, or facility technology
48 infrastructure upgrades and modernization measures, or
49 may secure financing through a third party for the
50 purchase and installation of energy conservation

1 measures, facility technology infrastructure upgrades,
2 or modernization measures. Energy performance-based
3 contracts may extend beyond the fiscal year in which
4 they become effective, and may be automatically
5 renewed annually for up to twenty years.

6 3. A qualified provider shall be responsible for
7 the measurement and verification of the savings
8 generated by the energy conservation measures or
9 facility technology infrastructure upgrades and
10 modernization measures. The process to be used for
11 the measurement and verification shall follow the
12 guidelines of the federal energy management program.
13 A public corporation shall have these savings verified
14 by a qualified independent third party on an annual
15 basis. The verification shall also include an annual
16 reconciliation of the guaranteed energy cost savings
17 for the life of any financing agreement obligations or
18 until the project is repaid from energy savings. The
19 cost of this verification shall be a part of the
20 contract with the qualified provider. The department
21 of natural resources shall establish the
22 qualifications necessary for a business or person to
23 become a qualified independent third party. A
24 business or person accredited by the national
25 association of energy service companies shall be
26 qualified in Iowa.

27 4. A selected qualified provider shall provide a
28 one hundred percent performance guarantee bond to the
29 public corporation for the installation and faithful
30 performance of the installed energy conservation
31 measures or facility technology infrastructure
32 upgrades as outlined in the energy performance-based
33 contract.

34 5. A public corporation has the right to terminate
35 an energy performance-based contract at any time
36 provided that written notice to the qualified provider
37 is provided at least thirty days prior to termination.
38 All qualified providers shall include clear statements
39 and requirements regarding contract termination as
40 part of the contract documentation. The documentation
41 shall clearly state the options of the public
42 corporation to satisfy the contract early and include
43 all associated costs. The documentation shall also
44 state the rights of a public corporation under a
45 contract for terminating the contract due to
46 nonperformance, for exercising rights pursuant to the
47 performance guarantee bond, and for listing all costs
48 and responsibilities for payment of any remaining debt
49 associated with energy and operational savings
50 projects already implemented. The information and

1 associated costs described in this subsection shall be
2 provided to a public corporation before an energy
3 performance-based contract is approved.

4 6. An energy performance-based contract shall
5 include a written guarantee by a qualified provider
6 that the amount of any actual energy and operational
7 savings shall be guaranteed. The amount must also
8 meet or exceed the total annual contract payments,
9 including financing charges, made by the public
10 corporation over the life of the contract. A
11 qualified provider shall reimburse a public
12 corporation for any shortfall of guaranteed energy
13 cost savings projected in the contract. Actual
14 savings documentation shall be reconciled on an annual
15 basis as provided in the contract. Any savings
16 shortfall shall be made whole by the qualified
17 provider within sixty days. Excess documented and
18 mutually agreed upon savings may be carried over to
19 future years. A qualified provider shall provide the
20 public corporation with a one hundred percent
21 performance guarantee bond for installation and
22 retrofit projects. A qualified provider shall
23 guarantee the savings for the length of the contract
24 and shall also provide the guaranteed performance
25 bonds on an annual basis renewed each year for the
26 term of the contract. An energy performance-based
27 contract may provide for payments over a period of
28 time, not to exceed twenty years.

29 7. Nothing in this chapter shall be construed to
30 prohibit public corporations, school corporations,
31 community colleges, or institutions under the control
32 of the state board of regents from utilizing savings
33 resulting from energy conservation measures, in excess
34 of the amount needed to pay for the measures, for
35 discretionary budget operations including but not
36 limited to school instructional computer hardware,
37 software, technology training, upgrades, or other
38 similar uses."

By DOUG SHULL

HOUSE FILE 2797

AN ACT

RELATING TO STATE AND LOCAL FINANCES BY PROVIDING FOR FUNDING OF PROPERTY TAX CREDITS AND REIMBURSEMENTS, BY MAKING, INCREASING, REDUCING, AND TRANSFERRING APPROPRIATIONS, PROVIDING FOR SALARIES AND COMPENSATION OF STATE EMPLOYEES, PROVIDING FOR FEES AND PENALTIES, PROVIDING TAX EXEMPTIONS, AND PROVIDING FOR PROPERLY RELATED MATTERS, AND INCLUDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MH/MR/DD ALLOWED GROWTH FUNDING

Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ALLOCATIONS -- FISCAL YEAR 2007-2008.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the

following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment, as provided in this section in lieu of the provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

..... \$ 43,287,141

2. The funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2007-2008, and is allocated as follows:

a. For distribution to counties for fiscal year 2007-2008 in accordance with the formula in section 331.438, subsection 2, paragraph "b":

..... \$ 12,000,000

b. For deposit in the per capita expenditure target pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:

..... \$ 24,360,548

c. For deposit in the risk pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 2:

..... \$ 2,000,000

d. For expansion of services to persons with brain injury in accordance with the law enacted by the Eighty-first General Assembly, 2006 Session, as law providing for such expansion of services to commence in the fiscal year beginning July 1, 2006:

..... \$ 4,926,593

If 2006 Iowa Acts, House File 2772, is enacted by the Eighty-first General Assembly, 2006 Session, the allocation made in this lettered paragraph shall be transferred to the Iowa department of public health to be used for the brain injury services program created pursuant to that Act.

DIVISION II

STANDING APPROPRIATIONS AND REVENUE ESTIMATE

Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2007-2008.

1. For the budget process applicable to the fiscal year beginning July 1, 2007, on or before October 1, 2006, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

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

Sec. 3. GENERAL ASSEMBLY. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2006, and ending June 30, 2007, are reduced by the following amount:

..... \$ 1,267,106

Sec. 4. LIMITATION OF STANDING APPROPRIATIONS. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the amounts appropriated from the general fund of the state pursuant to those sections for the following designated purposes shall not exceed the following amounts:

1. For substance abuse treatment and prevention under section 123.53, subsection 3:
..... \$ 0

2. For instructional support state aid under section 257.20:
..... \$ 14,428,271

3. For at-risk children programs under section 279.51, subsection 1:
..... \$ 11,271,000

The amount of any reduction in this subsection shall be prorated among the programs specified in section 279.51, subsection 1, paragraphs "a", "b", and "c".

4. For payment for nonpublic school transportation under section 285.2:
..... \$ 8,604,714

If total approved claims for reimbursement for nonpublic school pupil transportation claims exceed the amount appropriated in this section, the department of education shall prorate the amount of each claim.

5. For the educational excellence program under section 294A.25, subsection 1:
..... \$ 55,469,053

6. For the state's share of the cost of the peace officers' retirement benefits under section 411.20:
..... \$ 2,745,784

Sec. 5. PROPERTY TAX CREDIT FUND -- PAYMENTS IN LIEU OF GENERAL FUND REIMBURSEMENT.

1. Notwithstanding section 8.57, prior to the appropriation and distribution to the senior living trust fund and the cash reserve fund of the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2005, and ending June 30, 2006, pursuant to section 8.57, subsections 1 and 2, of that surplus, \$159,868,964 is appropriated to the property tax credit fund which shall be created in the office of the treasurer of state to be used for the purposes of this section.

2. Notwithstanding the amount of the standing appropriation from the general fund of the state in the following designated sections and notwithstanding any

conflicting provisions or voting requirements of section 8.56, there is appropriated from the property tax credit fund in lieu of the appropriations in the following designated sections for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts for the following designated purposes:

- a. For reimbursement for the homestead property tax credit under section 425.1:
..... \$102,945,379
- b. For reimbursement for the agricultural land and family farm tax credits under sections 425A.1 and 426.1:
..... \$ 34,610,183
- c. For reimbursement for the military service tax credit under section 426A.1A:
..... \$ 2,773,402
- d. For implementing the elderly and disabled tax credit and reimbursement pursuant to sections 425.16 through 425.40:
..... \$ 19,540,000

If the director of revenue determines that the amount of claims for credit for property taxes due plus the amount of claims for reimbursement for rent constituting property taxes paid which are to be paid during the fiscal year may exceed the amount appropriated, the director shall estimate the percentage of the credits and reimbursements which will be funded by the appropriation. The county treasurer shall notify the director of the amount of property tax credits claimed by June 8, 2006. The director shall estimate the percentage of the property tax credit and rent reimbursement claims that will be funded by the appropriation and notify the county treasurer of the percentage estimate by June 15, 2006. The estimated percentage shall be used in computing for each claim the amount of property tax credit and reimbursement for rent constituting property taxes paid for that fiscal year. If the director overestimates the percentage of funding, claims for reimbursement for rent constituting property taxes paid shall be paid until they can no longer be paid at the

estimated percentage of funding. Rent reimbursement claims filed after that point in time shall receive priority and shall be paid in the following fiscal year. If the director underestimates the percentage of funding, the overage shall remain in the fund established in section 425.39 for payments to be made in the next fiscal year.

Sec. 6. Section 257.35, subsection 4, Code Supplement 2005, is amended to read as follows:

4. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for the fiscal year beginning July 1, ~~2005~~ 2006, shall be reduced by the department of management by ~~eleven~~ eight million seven-hundred ninety-eight-thousand-seven-hundred-three dollars. The reduction for each area education agency shall be ~~equal to~~ prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

Sec. 7. 2005 Iowa Acts, chapter 179, section 7, is amended to read as follows:

SEC. 7. CASH RESERVE APPROPRIATION FOR FY 2005-2006. For the fiscal year beginning July 1, 2005, and ending June 30, 2006, the appropriation to the cash reserve fund provided in section 8.57, subsection 1, paragraph "a", shall not be made. ~~However, any surplus in the general fund of the state for the fiscal year beginning July 1, 2005, and ending June 30, 2006, shall be transferred to the cash reserve fund.~~

Sec. 8. CASH RESERVE APPROPRIATION FOR FY 2006-2007. For the fiscal year beginning July 1, 2006, and ending June 30, 2007, the appropriation to the cash reserve fund provided in section 8.57, subsection 1, paragraph "a", shall not be made.

Sec. 9. MARCH 24, 2006, REVENUE ESTIMATE. For use by the general assembly in the budget process and the governor's approval or disapproval of the appropriations bills for the fiscal year beginning July 1, 2006, and for purposes of calculating the state general fund expenditure limitation

pursuant to section 8.54 for the fiscal year beginning July 1, 2006, the revenue estimate for the fiscal year beginning July 1, 2006, that shall be used in the budget process and such calculation shall be the revenue estimate determined by the revenue estimating conference on March 24, 2006, notwithstanding the provision in section 8.22A, subsection 3, that disallows the use of a revenue estimate agreed to at a later meeting that projects a greater amount than the initial estimated amount agreed to in December 2005. This section also authorizes the use of the estimated revenue figures for the purposes or sources designated in section 8.22A, subsection 5.

Sec. 10. EFFECTIVE AND APPLICABILITY DATES.

1. The section of this division of this Act creating the property tax credit fund, being deemed of immediate importance, takes effect upon enactment.
2. The section of this division of this Act relating to the use of the March 24, 2006, revenue estimate, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 9, 2006.
3. The section of this division of this Act amending 2005 Iowa Acts, chapter 179, section 7, being deemed of immediate importance, takes effect upon enactment.

DIVISION III

SALARIES, COMPENSATION, AND RELATED MATTERS

Sec. 11. STATE COURTS -- JUSTICES, JUDGES, AND MAGISTRATES.

1. The salary rates specified in subsection 2 are for the fiscal year beginning July 1, 2006, effective for the pay period beginning June 30, 2006, and for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from funds appropriated or otherwise made available to the judicial branch pursuant to other Acts of the general assembly.
2. The following annual salary rates shall be paid to the persons holding the judicial positions indicated during the

fiscal year beginning July 1, 2006, effective with the pay period beginning June 30, 2006, and for subsequent pay periods.

| | | |
|---|----|---------|
| a. Chief justice of the supreme court: | \$ | 150,110 |
| b. Each justice of the supreme court: | \$ | 144,000 |
| c. Chief judge of the court of appeals: | \$ | 138,960 |
| d. Each associate judge of the court of appeals: | \$ | 134,060 |
| e. Each chief judge of a judicial district: | \$ | 131,000 |
| f. Each district judge except the chief judge of a judicial district: | \$ | 126,020 |
| g. Each district associate judge: | \$ | 111,000 |
| h. Each associate juvenile judge: | \$ | 111,000 |
| i. Each associate probate judge: | \$ | 111,000 |
| j. Each judicial magistrate: | \$ | 34,200 |
| k. Each senior judge: | \$ | 7,100 |

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

4. The collective bargaining agreements negotiated pursuant to chapter 20 for employees in the judicial branch of government bargaining units and the annual pay adjustments, related benefits, and expense reimbursements of judicial branch employees not covered by a collective bargaining agreement shall be paid from funds appropriated or made available to the judicial branch as provided in subsection 1.

Sec. 12. APPOINTED STATE OFFICERS. Notwithstanding section 20.5, subsection 3, the governor shall establish a salary for appointed nonelected persons in the executive branch of state government holding a position enumerated in the section of this division of this Act that addresses the salary ranges of state officers within the range provided, by considering, among other items, the experience of the individual in the position, changes in the duties of the position, the incumbent's performance of assigned duties, and subordinates' salaries. However, the attorney general shall establish the salary for the consumer advocate, the chief justice of the supreme court shall establish the salary for the state court administrator, the Iowa public broadcasting board shall establish the salary for the administrator of the public broadcasting division of the department of education, the ethics and campaign disclosure board shall establish the salary of the executive director, and the state fair board shall establish the salary of the secretary of the state fair board, each within the salary range provided in the section of this division of this Act that addresses the salary ranges of state officers.

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

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

Sec. 13. SALARY RANGE -- STATE OFFICERS. The following annual salary ranges are effective for the positions specified in this section for the fiscal year beginning July 1, 2006, and for subsequent fiscal years until otherwise provided by the general assembly. The governor or other person designated in the section of this division of this Act relating to appointed state officers shall determine the salary to be paid to the person indicated at a rate within this salary range from funds appropriated by the general assembly for that purpose.

1. The following are salary ranges for state officers for the fiscal year beginning July 1, 2006, effective with the pay period beginning June 30, 2006:

| SALARY RANGE | Minimum | Maximum |
|------------------|-----------|-----------|
| a. Range 1 | \$ 8,800 | \$ 34,430 |
| b. Range 2 | \$ 45,395 | \$ 69,460 |
| c. Range 3 | \$ 52,210 | \$ 79,880 |
| d. Range 4 | \$ 60,040 | \$ 91,860 |
| e. Range 5 | \$ 69,045 | \$105,640 |
| f. Range 6 | \$ 79,405 | \$121,490 |
| g. Range 7 | \$ 95,055 | \$145,430 |

2. The following are range 1 positions: There are no range 1 positions for the fiscal year beginning July 1, 2006.

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

4. The following are range 3 positions: administrator of the division of criminal and juvenile justice planning of the department of human rights, administrator of the division of community action agencies of the department of human rights, executive director of the department of veterans affairs, and

chairperson and members of the employment appeal board of the department of inspections and appeals.

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

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

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

8. The following are range 7 positions: administrator of the state racing and gaming commission of the department of inspections and appeals, director of the department of education, director of human services, director of the

department of economic development, executive director of the Iowa telecommunications and technology commission, administrator of the public broadcasting division of the department of education, executive director of the state board of regents, director of the state department of transportation, director of the department of workforce development, director of revenue, director of public health, state court administrator, secretary of the state fair board, director of the department of management, and director of the department of administrative services.

Sec. 14. COLLECTIVE BARGAINING AGREEMENTS FUNDED -- GENERAL FUND. There is appropriated from the general fund of the state to the salary adjustment fund for distribution by the department of management to the various state departments, boards, commissions, councils, and agencies, excluding the state board of regents and the judicial branch, for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the amount of \$29,000,000, or so much thereof as may be necessary, to fully fund annual pay adjustments, expense reimbursements, and related benefits implemented pursuant to the following:

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

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

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

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

5. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the clerical bargaining unit.

6. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional social services bargaining unit.

7. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the community-based corrections bargaining unit.

8. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the patient care bargaining unit.

9. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the science bargaining unit.

10. The annual pay adjustments, related benefits, and expense reimbursements referred to in the section of this division of this Act addressing noncontract state employees not covered by a collective bargaining agreement.

Sec. 15. NONCONTRACT STATE EMPLOYEES -- GENERAL.

1. a. For the fiscal year beginning July 1, 2006, the maximum salary levels of all pay plans provided for in section 8A.413, subsection 2, as they exist for the fiscal year ending June 30, 2006, shall be increased by 2 percent for the pay period beginning June 30, 2006, and any additional changes in the pay plans shall be approved by the governor.

b. For the fiscal year beginning July 1, 2006, employees may receive a step increase or the equivalent of a step increase.

2. The pay plans for state employees who are exempt from chapter 8A, subchapter IV, and who are included in the department of administrative service's centralized payroll system shall be increased in the same manner as provided in subsection 1, and any additional changes in any executive branch pay plans shall be approved by the governor.

3. This section does not apply to members of the general assembly, board members, commission members, salaries of persons set by the general assembly pursuant to this division of this Act or set by the governor, other persons designated in the section of this division of this Act addressing appointed state officers, employees designated under section 8A.412, subsection 5, and employees covered by 11 IAC 53.6(3).

4. The pay plans for the bargaining eligible employees of the state shall be increased in the same manner as provided in subsection 1, and any additional changes in such executive branch pay plans shall be approved by the governor. As used in this section, "bargaining eligible employee" means an employee who is eligible to organize under chapter 20, but has not done so.

5. The policies for implementation of this section shall be approved by the governor.

Sec. 16. APPROPRIATIONS FROM ROAD FUNDS.

1. There is appropriated from the road use tax fund to the salary adjustment fund for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

To supplement other funds appropriated by the general assembly:
..... \$ 1,416,695

2. There is appropriated from the primary road fund to the salary adjustment fund, for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

To supplement other funds appropriated by the general assembly:
..... \$ 9,593,363

3. Except as otherwise provided in this division of this Act, the amounts appropriated in subsections 1 and 2 shall be used to fund the annual pay adjustments, expense reimbursements, and related benefits for public employees as provided in this division of this Act.

Sec. 17. SPECIAL FUNDS -- AUTHORIZATION. To departmental revolving, trust, or special funds, except for the primary road fund or the road use tax fund, for which the general assembly has established an operating budget, a supplemental expenditure authorization is provided, unless otherwise

provided, in an amount necessary to fund salary adjustments as otherwise provided in this division of this Act.

Sec. 18. GENERAL FUND SALARY MONEYS. Funds appropriated for distribution from the salary adjustment fund in the section of this division of this Act providing for funding of collective bargaining agreements relate only to salaries supported from general fund appropriations of the state except for employees of the state board of regents and the judicial branch.

Sec. 19. FEDERAL FUNDS APPROPRIATED. All federal grants to and the federal receipts of the agencies affected by this division of this Act which are received and may be expended for purposes of this division of this Act are appropriated for those purposes and as set forth in the federal grants or receipts.

Sec. 20. STATE TROOPER MEAL ALLOWANCE. The sworn peace officers in the department of public safety who are not covered by a collective bargaining agreement negotiated pursuant to chapter 20 shall receive the same per diem meal allowance as the sworn peace officers in the department of public safety who are covered by a collective bargaining agreement negotiated pursuant to chapter 20.

Sec. 21. SICK LEAVE CONVERSION. It is the intent of the general assembly that the sick leave conversion program under the collective bargaining agreement that covers the greatest number of state employees and that affects sick leave accrual and allows sick leave conversion and use upon retirement for payment of certain health insurance premiums shall be extended to employees in the executive branch, excluding state board of regents employees, not covered by a collective bargaining agreement, consistent with any legislation enacted during the 2006 Regular Session of the general assembly providing for such extension.

Sec. 22. Section 256.81, subsection 1, Code 2005, is amended to read as follows:

1. The public broadcasting division of the department of education is created. The chief administrative officer of the division is the administrator who shall be appointed by and serve at the pleasure of the Iowa public broadcasting board. The governor board shall set the division administrator's salary within the applicable salary range established by the general assembly unless otherwise provided by law. Educational programming shall be the highest priority of the division. The director of the department of education and the state board of education are not liable for the activities of the division of public broadcasting.

Sec. 23. Section 256.82, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The Iowa public broadcasting board is created to plan, establish, and operate educational radio and television facilities and other telecommunications services ~~including narrowcast-and-broadcast-systems~~ to serve the educational needs of the state. The board shall be composed of nine members selected in the following manner:

Sec. 24. Section 256.82, subsection 1, paragraph a, subparagraphs (1) and (2), Code 2005, are amended to read as follows:

(1) One member shall be appointed from the business community other than ~~the-commercial-broadcasting-industry-and~~ the television and telecommunications industry.

(2) One member shall be appointed ~~from-the-commercial broadcast~~ with experience in or knowledge about the television industry.

Sec. 25. Section 256.82, subsection 1, paragraph b, subparagraph (4), Code 2005, is amended to read as follows:

(4) One member ~~who-is-knowledgeable-about~~ telecommunications shall be appointed by the state board of regents.

Sec. 26. Section 256.84, subsections 1 and 2, Code 2005, are amended to read as follows:

1. The board may purchase, lease, and improve property, equipment, and services for educational telecommunications including the broadcast and narrowcast systems, and may dispose of property and equipment when not necessary for its purposes. ~~The board and division administrator may arrange for joint use of available services and facilities.~~

2. The board shall apply for channels, frequencies, licenses, and permits, and other authorizations as necessary for the performance of the board's duties.

Sec. 27. Section 256.84, subsection 5, Code 2005, is amended by striking the subsection.

Sec. 28. Section 256.84, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 11. To preserve the integrity of its editorial processes, the board may select programming, content partners, and other authorized contractual services without using a competitive selection process or performance measures that may otherwise be required by law for such services. For purposes of this subsection, authorized contractual services are those services related, directly or indirectly, to the development of program production and instructional and educational media. Authorized contractual services include but are not limited to on-air performers, producers or directors, field producers, writers, production assistants, manual laborers, mobile unit services, closed captioning services, duplication of tape services, and satellite services.

NEW SUBSECTION. 12. The board shall approve for submission the annual budget request and any supplementary budget request for the public broadcasting division of the department of education.

Sec. 29. Section 256.85, Code 2005, is amended to read as follows:

256.85 PURCHASE OF ENERGY EFFICIENCY PACKAGES.

The public broadcasting division of the department of education may use the state of Iowa facilities improvement

corporation to purchase energy efficiency packages ~~for its ultrahigh-frequency transmitters.~~

Sec. 30. Section 421.1A, subsection 6, Code Supplement 2005, is amended to read as follows:

6. The members of the property assessment appeal board shall receive compensation from the state commensurate with the salary of a district judge. The members of the board shall not be considered state employees for purposes of salary and benefits. The members of the board and any employees of the board, when required to travel in the discharge of official duties, shall be paid their actual and necessary expenses incurred in the performance of duties.

Sec. 31. Section 256.89, Code 2005, is repealed.

DIVISION IV

OTHER APPROPRIATIONS

AND RELATED MATTERS

Sec. 32. ARTS EDUCATION AND ENRICHMENT PROGRAMMING.

1. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a study of arts education and enrichment programming for school age children in accordance with this section:
..... \$ 5,000

2. a. The department shall conduct a study of arts education and enrichment programming for school age children to evaluate the status of arts education and enrichment programming available to school age children in this state; develop a strategy for greatly expanding the availability of arts education and enrichment programming outside of school settings; and identify curricula, model programs, best practices, and other resources that may be used by programs and persons in this state that provide arts education and enrichment programming outside of school settings.

b. The department shall utilize a resource committee in conducting the study. The committee membership may include representatives of the departments of economic development, education, and human services, the Iowa after school alliance, the Iowa community education association, the Iowa library association, legislators, art educators, artists and performers, and others with relevant expertise.

c. The study may utilize regional forums through the Iowa communications network and other approaches for securing public input and discussion of the study topics.

d. The department shall report to the governor and general assembly concerning the study with findings and recommendations in December 2006.

Sec. 33. VETERANS TRUST FUND. There is appropriated from the general fund of the state to the veterans trust fund for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount:

..... \$ 4,500,000

Sec. 34. COUNTY GRANT PROGRAM FOR VETERANS -- APPROPRIATION. There is appropriated from the general fund of the state to the department of veterans affairs, for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For providing matching grants to counties to provide improved services to veterans:
..... \$ 1,000,000

The department shall establish a grant application process and shall require each county applying for a grant to submit a plan for utilizing the grant to improve services for veterans. The maximum matching grant to be awarded to a county shall be \$10,000 and the amount awarded shall be matched on a dollar-for-dollar basis by the county. Each county receiving a grant shall submit a report to the department identifying the impact of the grant on increasing services to veterans. The department shall submit a report to the general assembly by

October 1, 2007, concerning the impact of the grant program on increasing services to veterans.

Sec. 35. IOWA LAW ENFORCEMENT ACADEMY. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purchase of equipment and furnishings:
..... \$ 25,000

Sec. 36. GOVERNOR AND LIEUTENANT GOVERNOR. If 2006 Iowa Acts, House File 2521, is enacted and provides for appropriations from the general fund of the state to the offices of the governor and lieutenant governor for the fiscal year beginning July 1, 2006, and ending June 30, 2007, for the following indicated purposes, those appropriations are increased by the following amounts:

1. TERRACE HILL QUARTERS
For salaries, support, maintenance and miscellaneous purposes for the governor's quarters at Terrace Hill:
..... \$ 22,676

2. NATIONAL GOVERNORS ASSOCIATION
For payment of Iowa's membership in the national governors association:
..... \$ 16,207

Sec. 37. UPDATED MANURE MANAGEMENT PLANS. There is appropriated from the manure storage indemnity fund created in section 459.501 to the department of natural resources for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the department to modify its computer database in order to provide documentation to persons required to submit updated manure management plans and updated manure management plan filing fees to the department pursuant to the schedules provided in sections 459.312 and 459.400, if amended by the

Eighty-first General Assembly, 2006 Session:

..... \$ 80,000

As a condition of this appropriation, the department shall repay the manure storage indemnity fund in four equal installments by June 30 of each fiscal year for the fiscal period beginning July 1, 2007, and ending June 30, 2011.

Sec. 38. REAL ESTATE EDUCATION PROGRAM. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For allocation to the university of northern Iowa for the real estate education program:

..... \$ 200,000

The appropriation made in this section is contingent upon enactment of 2006 Iowa Acts, House File 2773, or other enactment by the Eighty-first General Assembly, 2006 Session, amending section 543B.54 to appropriate fees credited to the Iowa real estate education fund to the real estate commission in lieu of the state board of regents.

Sec. 39. STATE BOARD OF REGENTS -- GENERAL FUND ENDING BALANCE.

1. Notwithstanding section 8.62, prior to the appropriation of the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2005, pursuant to section 8.57, subsection 1, from appropriations that remain unencumbered or unobligated and would otherwise revert on August 31, 2006, pursuant to section 8.33, up to \$2,800,000 shall be transferred to the state board of regents.

2. The transfer made in subsection 1 shall be distributed to the state board of regents in the fiscal year beginning July 1, 2006, to be used as additional funding for the fiscal year beginning July 1, 2006, for the institutions under the state board of regents.

Sec. 40. STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE DIVISION. If 2006 Iowa Acts, House File 2521, is enacted and provides for an appropriation from the general fund of the state to the department of human rights for the status of Iowans of Asian and Pacific islander heritage division for the fiscal year beginning July 1, 2006, and ending June 30, 2007, there is appropriated to supplement that appropriation as follows:

For salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent position:

..... \$ 80,000
..... FTEs 1.00

Sec. 41. DEPARTMENT OF CULTURAL AFFAIRS. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the African-American historical museum and cultural center of Iowa in Cedar Rapids:

..... \$ 85,000

2. For historical resource development program emergency grants for qualified historic preservation projects in gubernatorially declared natural disaster emergency areas in Johnson county, notwithstanding section 303.16, subsection 6, paragraph "d":

..... \$ 250,000

Sec. 42. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of funding farm mediation services pursuant to the farm assistance program created in sections 13.13 through 13.24:

..... \$ 100,000

Sec. 43. SUSTAINABLE NATURAL RESOURCE FUNDING STUDY.

1. There is established a sustainable natural resource funding advisory committee for the purpose of studying how to provide a sustainable source or sources of funding for natural resources needs in Iowa. The department of natural resources shall provide staffing for the advisory committee. The following shall be members of the advisory committee:

a. One representative from the following organizations or entities to be appointed by the governor:

- (1) Secretary of agriculture.
- (2) Iowa natural heritage foundation.
- (3) Ducks unlimited.
- (4) Pheasants forever.
- (5) Iowa association of county conservation boards.
- (6) Iowa farm bureau.
- (7) Farmers union.
- (8) The nature conservancy.
- (9) Iowa environmental council.
- (10) Iowa renewable fuels association.

b. The director of the department of natural resources, who shall be the chairperson of the advisory committee.

c. Two members of the senate, one of which is appointed by the majority leader and one of which is appointed by the minority leader.

d. Two members of the house of representatives, one of which is appointed by the majority leader and one of which is appointed by the minority leader.

2. The advisory committee shall submit a report to the governor and the general assembly by January 10, 2007. The report shall contain but is not limited to the following:

- a. Information on what surrounding states have done to provide sustainable funding for natural resource conservation.
- b. Outline of a conservation funding initiative agree upon by the advisory committee.
- c. Outline of the amount of revenue needed and what would be accomplished if the conservation funding initiative is implemented.

d. Analysis of Iowa's citizens' willingness to pay for identified conservation funding initiative.

Sec. 44. 2001 Iowa Acts, chapter 174, section 1, subsection 2, as amended by 2002 Iowa Acts, chapter 1174, section 8, 2003 Iowa Acts, chapter 179, section 38, 2004 Iowa Acts, chapter 1175, section 270, and 2005 Iowa Acts, chapter 179, section 23, is amended to read as follows:

2. There is appropriated from the general fund of the state to the endowment for Iowa's health account of the tobacco settlement trust fund created in section 12E.12, for the designated fiscal years, the following amounts, to be used for the purposes specified in section 12E.12 for the endowment for Iowa's health account:

| | |
|--------------------|--------------------------|
| FY 2001-2002 | \$ 7,248,000 |
| FY 2003-2004 | \$ 0 |
| FY 2004-2005 | \$ 0 |
| FY 2005-2006 | \$ 0 |
| FY 2006-2007 | \$ 17,773,000 |

0

Sec. 45. Section 16.100, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Notwithstanding any provision to the contrary, all assets held in the housing improvement fund shall be transferred to the housing trust fund created in section 16.181. On and after July 1, 2006, any moneys or assets received for deposit in the housing improvement fund shall be transferred to the housing trust fund.

Sec. 46. NEW SECTION. 137F.3A MUNICIPAL CORPORATION INSPECTIONS -- CONTINGENT APPROPRIATION.

1. If a municipal corporation operating pursuant to a chapter 28E agreement with the department of inspections and appeals to enforce this chapter and chapters 137C and 137D either fails to renew the agreement effective after July 1, 2005, but before July 1, 2007, or discontinues prior to July 1, 2007, enforcement activities in one or more jurisdictions during the agreement time frame, or the department of

inspections and appeals cancels an agreement prior to July 1, 2007, due to noncompliance with the terms of the agreement, the department of inspections and appeals may employ additional full-time equivalent positions for the fiscal years ending prior to July 1, 2007, to enforce the provisions of the chapters, with the approval of the department of management. Before approval is given, the director of the department of management shall determine that the expenses exceed the funds budgeted by the general assembly for food inspections to the department of inspections and appeals. The department of inspections and appeals may hire no more than one full-time equivalent position for each six hundred inspections required pursuant to this chapter and chapters 137C and 137D.

2. Notwithstanding chapter 137D, and sections 137C.9 and 137F.6, if the conditions described in this section are met, fees imposed pursuant to that chapter and those sections shall be retained by and are appropriated to the department of inspections and appeals for the fiscal years ending prior to July 1, 2007, to provide for salaries, support, maintenance, and miscellaneous purposes associated with the additional inspections.

3. This section is repealed July 1, 2007.

Sec. 47. Section 256D.5, subsection 4, Code Supplement 2005, is amended to read as follows:

4. For each fiscal year of the fiscal period beginning July 1, 2004, and ending June 30, ~~2006~~ 2007, the sum of twenty-nine million two hundred fifty thousand dollars.

Sec. 48. 2005 Iowa Acts, chapter 175, section 4, subsection 4, as enacted by 2006 Iowa Acts, House File 2080, section 3, is amended by adding the following new paragraph: NEW PARAGRAPH. c. Of the amount transferred pursuant to this subsection, not more than \$50,000 shall be transferred to the department of public defense to be used for the enduring families program.

Sec. 49. REPORT. By October 1, 2009, the Iowa finance authority shall submit a written report to the general

assembly regarding the status of the housing trust fund. The report shall review the program and activities under the program during the existence of the fund, an update on the housing needs in the state, and any recommendations for changes.

Sec. 50. HOUSING TRUST FUND. It is the intent of the general assembly to make appropriations from the general fund of the state to the housing trust fund created in section 16.181 for the designated fiscal years in the following amounts:

- 1. FY 2007-2008 \$ 2,000,000
- 2. FY 2008-2009 \$ 3,000,000
- 3. FY 2009-2010 \$ 4,000,000

Sec. 51. WORLD FOOD PRIZE. It is the intent of the general assembly to make appropriations from the general fund of the state for purposes of the world food prize for the designated fiscal years in the following amounts:

- 1. FY 2007-2008 \$ 750,000
- 2. FY 2008-2009 \$ 1,000,000

Sec. 52. CONTINGENT EFFECTIVE DATE. The section of this division of this Act making an appropriation from the manure storage indemnity fund to the department of natural resources is contingent upon the enactment by the Eighty-first General Assembly, 2006 Session of an Act which amends sections 459.312 and 459.400 making it necessary for the department to modify its computer database in order to provide documentation to persons required to submit updated manure management plans and updated manure management plan filing fees to the department.

Sec. 53. EFFECTIVE AND APPLICABILITY DATES.

1. The section of this division of this Act transferring moneys that would otherwise revert to the state board of regents, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act enacting section 137F.3A, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1,

2005.

DIVISION V

MISCELLANEOUS STATUTORY CHANGES

Sec. 54. Section 7D.29, Code 2005, as amended by 2006 Iowa Acts, Senate File 2273, section 7, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The executive council shall receive requests from the Iowa department of public health, relative to the purchase, storing, and distribution of vaccines and medication for prevention, prophylaxis, or treatment. Upon review and after compliance with subsection 2, the executive council may approve the request and may incur the necessary expense and pay the same out of any money in the state treasury not otherwise appropriated.

Sec. 55. Section 15E.208, subsection 3, paragraph b, subparagraph (2), Code 2005, is amended by adding the following new subparagraph subdivision:

NEW SUBPARAGRAPH SUBDIVISION. (e) Notwithstanding any provision of this division to the contrary, payments of principal and interest of the loan granted by the corporation to an eligible person and assigned to the department pursuant to this subparagraph during calendar year 2003 which were deferred pursuant to subparagraph subdivision (c) shall be forgiven and the total debt, including interest, shall be retired.

Sec. 56. Section 15G.119, subsection 4, paragraph c, if enacted by 2006 Iowa Acts, House File 2759, is amended to read as follows:

c. Notwithstanding section 8.33, unencumbered and unobligated moneys remaining in the infrastructure fund at the close of each fiscal year shall not revert but shall remain available in the infrastructure fund for expenditure for the same purposes ~~in the succeeding fiscal year~~ until the end of the fiscal year that begins July 1, 2011, at which time the unencumbered and unobligated moneys remaining shall revert to the funds from which appropriated.

Sec. 57. Section 22.7, subsection 52, unnumbered paragraph 1, as enacted by 2006 Iowa Acts, House File 2706, if enacted, is amended to read as follows:

The following records relating to a charitable donation made to a foundation acting solely for the support of an institution governed by the state board of regents, to a foundation acting solely for the support of an institution governed by chapter 260C, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303, organized for the support of a government body:

Sec. 58. Section 22.7, Code Supplement 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 53. Individually identifiable client information contained in the records of the state database created as a homeless management information system pursuant to standards developed by the United States department of housing and urban development and utilized by the Iowa department of economic development.

NEW SUBSECTION. 54. The following information contained in the records of any governmental body relating to any form of housing assistance:

- a. An applicant's social security number.
- b. An applicant's personal financial history.
- c. An applicant's personal medical history or records.
- d. An applicant's current residential address when the applicant has been granted or has made application for a civil or criminal restraining order for the personal protection of the applicant or a member of the applicant's household.

Sec. 59. Section 29A.28, subsections 1 and 3, Code 2005, are amended to read as follows:

1. All officers and employees of the state, or a subdivision thereof, or a municipality other than employees employed temporarily for six months or less, who are members of the national guard, organized reserves or any component

part of the military, naval, or air forces or nurse corps of this state or nation, or who are or may be otherwise inducted into the military service of this state or of the United States, or who are members of the civil air patrol, shall, when ordered by proper authority to state active duty, state military service, or federal service, or when performing a civil air patrol mission pursuant to section 29A.3A, be entitled to a leave of absence from such civil employment for the period of state active duty, state military service, or federal service, or civil air patrol duty without loss of status or efficiency rating, and without loss of pay during the first thirty days of such leave of absence. Where state active duty, state military service, or federal service, or civil air patrol duty is for a period of less than thirty days, a leave of absence under this section shall only be required for those days that the civil employee would normally perform services for the state, subdivision of the state, or a municipality.

3. Upon returning from a leave of absence under this section, an employee shall be entitled to return to the same position and classification held by the employee at the time of entry into state active duty, state military service, or federal service, or civil air patrol duty, or to the position and classification that the employee would have been entitled to if the continuous civil service of the employee had not been interrupted by state active duty, state military service, or federal service, or civil air patrol duty. Under this subsection, "position" includes the geographical location of the position.

Sec. 60. Section 29A.40, unnumbered paragraph 2, Code 2005, is amended to read as follows:

Any person who, without authority under the laws of the United States or of one of the states, wears the uniform of, or a distinctive part of the uniform of the armed forces of the United States, shall be guilty of a simple serious misdemeanor.

Sec. 61. Section 29A.43, subsection 1, Code Supplement 2005, is amended to read as follows:

1. A person shall not discriminate against any officer or enlisted person of the national guard or organized reserves of the armed forces of the United States or any member of the civil air patrol because of that membership. An employer, or agent of an employer, shall not discharge a person from employment because of being an officer or enlisted person of the military forces of the state or member of the civil air patrol, or hinder or prevent the officer or enlisted person or member of the civil air patrol from performing any military service or civil air patrol duty the person is called upon to perform by proper authority. A member of the national guard or organized reserves of the armed forces of the United States ordered to temporary duty, as defined in section 29A.1, subsection 3, 11, or 12, or a member of the civil air patrol performing duty pursuant to section 29A.3A, for any purpose is entitled to a leave of absence during the period of the duty or service, from the member's private employment, other than employment of a temporary nature, and upon completion of the duty or service the employer shall restore the person to the position held prior to the leave of absence, or employ the person in a similar position. However, the person shall give evidence to the employer of satisfactory completion of the training or duty, and that the person is still qualified to perform the duties of the position. The period of absence shall be construed as an absence with leave, and shall in no way affect the employee's rights to vacation, sick leave, bonus, or other employment benefits relating to the employee's particular employment. A person violating a provision of this section is guilty of a simple misdemeanor.

Sec. 62. Section 29C.8, subsection 3, paragraph f, Code Supplement 2005, is amended to read as follows:

f. ~~{}~~ Approve and support the development and ongoing operations of an-urban-search-and-rescue-team homeland security and emergency response teams to be deployed as a

resource to supplement and enhance disrupted or overburdened local emergency and disaster operations and deployed as available to provide assistance to other states pursuant to the interstate emergency management assistance compact described in section 29C.21. The following shall apply to homeland security and emergency response teams:

(2) (1) A member of an-urban-search-and-rescue a homeland security and emergency response team acting under the authority this section upon the directive of the administrator or pursuant to a governor's disaster proclamation as provided in section 29C.6 shall be considered an employee of the state under for purposes of section 29C.21 and chapter 669 and shall be afforded protection as an employee of the state under section 669.21. Disability, workers' compensation, and death benefits for team members working under the authority of the administrator or pursuant to the provisions of section 29C.6 shall be paid by the state in a manner consistent with the provisions of chapter 85, 410, or 411 as appropriate, depending on the status of the member, provided that the member is registered with the homeland security and emergency management division as a member of an approved team and is participating as a team member in a response or recovery operation initiated by the administrator or governor pursuant to this section or in a training or exercise activity approved by the administrator.

(2) Each approved homeland security and emergency management response team shall establish standards for team membership, shall provide the division with a listing of all team members, and shall update the list each time a member is removed from or added to the team. Individuals so identified as team members shall be considered to be registered as team members for purposes of subparagraph (1).

(3) Upon notification of a compensable loss to a member of a homeland security and emergency management response team, the department of administrative services shall process the claim and seek funding from the executive council for those costs associated with covered benefits.

Sec. 63. Section 29C.20, subsection 1, paragraph a, subparagraph (5), Code Supplement 2005, is amended to read as follows:

(5) Paying the expenses incurred by and claims of an-urban search-and-rescue a homeland security and emergency response team when acting under the authority of the-administrator-and the-provisions-of section 29C.6 29C.8 and public health response teams when acting under the provisions of section 135.143.

Sec. 64. Section 29C.20, subsection 1, paragraph b, Code Supplement 2005, is amended to read as follows:

b. When a state department or agency requests that moneys from the contingent fund be expended to repair, rebuild, or restore state property injured, destroyed, or lost by fire, storm, theft, or unavoidable cause, or to repair, rebuild, or restore state property that is fiberoptic cable and that is injured or destroyed by a wild animal, or to purchase a police service dog for the department of corrections when such a dog is injured or destroyed, or for payment of the expenses incurred by and claims of an-urban-search-and-rescue a homeland security and emergency response team when acting under the authority of the-administrator-and-the-provisions-of section 29C.6 29C.8, the executive council shall consider the original source of the funds for acquisition of the property before authorizing the expenditure. If the original source was other than the general fund of the state, the department or agency shall be directed to utilize moneys from the original source if possible. The executive council shall not authorize the repairing, rebuilding, or restoring of the property from the disaster aid contingent fund if it determines that moneys from the original source are available to finance the project.

Sec. 65. Section 35A.5, subsection 9, Code Supplement 2005, is amended to read as follows:

9. Establish and operate a state veterans cemetery and make application to the government of the United States or any

subdivision, agency, or instrumentality thereof, for funds for the purpose of establishing such a cemetery. The state may enter into agreements with any subdivision of the state for assistance in operating the cemetery. The state shall own the land on which the cemetery is located.

PARAGRAPH DIVIDED. The department shall have the authority to accept federal grant funds, funding from state subdivisions, donations from private sources, and federal "plot allowance" payments. ~~All such funds shall be deposited into an account dedicated to the establishment, operation, and maintenance of a veterans cemetery and these funds shall be expended only for those purposes.~~ The department through the director shall have the authority to accept suitable cemetery land, in accordance with federal veterans cemetery grant guidelines, from the federal government, state government, state subdivisions, private sources, and any other source wishing to transfer land for use as a veterans cemetery. The department may lease or use property received pursuant to this subsection for any purpose so long as such leasing or use does not interfere with the use of the property for cemetery purposes and is not contrary to federal or state guidelines. All funds received pursuant to this subsection, including lease payments or funds generated from any activity engaged in on any property accepted pursuant to this subsection, shall be deposited into an account dedicated to the establishment, operation, and maintenance of a veterans cemetery and these funds shall be expended only for those purposes.

PARAGRAPH DIVIDED. Notwithstanding section 8.33, any moneys in the account for a state veterans cemetery shall not revert and, notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the account.

Sec. 66. Section 35A.13, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. It is the intent of the general assembly that beginning with the fiscal year beginning July 1,

2007, appropriations be made annually to the veterans trust fund. Prior to any additional appropriations to this fund, the commission shall provide the general assembly with information identifying immediate and long-term veteran services throughout the state and a plan for delivering those services.

Sec. 67. Section 35A.13, subsection 6, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

6. Moneys appropriated to the commission under this section shall not be used to supplant funding provided by other sources. The moneys may be expended upon a majority vote of the commission membership for the benefit of veterans and the spouses and dependents of veterans, for any of the following purposes:

- a. Travel expenses for wounded veterans directly related to follow-up medical care.
- b. Job training or college tuition assistance for job retraining.
- c. Unemployment assistance during a period of unemployment due to prolonged physical or mental illness or disability resulting from military service.
- d. Expenses related to nursing facility or at-home care.
- e. Benefits provided to children of disabled or deceased veterans.
- f. Individual counseling or family counseling programs.
- g. Family support group programs or programs for children of members of the military.
- h. Honor guard services.

Sec. 68. Section 35A.13, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. If the commission identifies other purposes for which the moneys appropriated under this section may be used for the benefit of veterans and the spouses and dependents of veterans, the commission shall submit recommendations for the addition of such purposes to the general assembly for review.

Sec. 69. Section 68B.32A, subsection 2, unnumbered paragraph 2, Code Supplement 2005, is amended to read as follows:

The board may establish a process to assign signature codes to a person or committee for purposes of facilitating an electronic filing procedure. The assignment of signature codes shall be kept confidential, notwithstanding section 22.2. The board and persons electronically filing reports and statements shall keep assigned signature codes or subsequently selected signature codes confidential. Signature codes shall not be subject to state security policies regarding frequency of change.

Sec. 70. NEW SECTION. 70A.15A CHARITABLE GIVING PAYROLL DEDUCTION BY OTHER THAN STATE OFFICER OR EMPLOYEE.

1. For purposes of this section, unless the context otherwise requires:

a. "Applicable public employer" means a board of directors of a school district, a county board of supervisors, or a governing body of a city.

b. "Eligible charitable organization" means a not-for-profit federation of health and human services, social welfare, or environmental agencies or associations that meets all of the following conditions:

(1) The federation is tax exempt under section 501(c)(3) of the Internal Revenue Code and contributions to the federation are deductible under section 170 of the Internal Revenue Code.

(2) The federation has had an office in this state for the last five years.

(3) The federation represents at least ten health and human services, social welfare, or environmental agencies or associations that are located in this state.

(4) The federation is governed by an active, voluntary board, which exercises administrative control over the federation.

(5) The federation is not a charitable foundation.

(6) The federation is registered with the secretary of state's office.

2. An applicable public employer may authorize deductions from the salaries or wages of its employees of an amount specified by an employee for payment to an eligible charitable organization. The authorization by an employee for deductions from the employee's salary or wages shall be evidenced by a written request signed by the employee directed to and filed with the treasurer, or official in charge of the payroll system, of the applicable public employer and the treasurer or responsible official shall deduct from the salary or wages of the employee the amount specified for payment to the eligible charitable organization. The request for the deduction may be withdrawn by the employee at any time by filing a written notification of withdrawal with the applicable treasurer or responsible official in charge of the payroll system.

3. If an applicable public employer authorizes deductions from the salaries or wages of its employees for payment to any eligible charitable organization, the applicable public employer shall ensure that an employee shall be permitted to authorize a deduction to any eligible charitable organization.

Sec. 71. Section 103A.10, subsection 2, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. To all newly constructed buildings and structures the construction of which is paid for in whole or in part with moneys appropriated by the state but not wholly owned by the state.

Sec. 72. NEW SECTION. 103A.10A PLAN REVIEWS AND INSPECTIONS.

1. Beginning on January 1, 2007, all newly constructed buildings or structures, excluding any addition, renovation, or repair of a building or structure whether existing prior to January 1, 2007, or thereafter, that are owned by the state or an agency of the state, except as provided in subsection 2, shall be subject to a plan review and inspection by the

commissioner or an independent building inspector appointed by the commissioner. A fee shall be assessed for the cost of plan review and the cost of inspection.

2. Beginning on July 1, 2007, all newly constructed buildings, excluding any addition, renovation, or repair of a building whether existing prior to July 1, 2007, or thereafter, that are owned by the state board of regents shall be subject to a plan review and inspection by the commissioner or the commissioner's staff or assistant. The commissioner and the state board of regents shall develop a plan to implement the requirements of this subsection, including funding recommendations related to plan review and inspection, by March 1, 2007.

3. All newly constructed buildings and structures the construction of which is paid for in whole or in part with moneys appropriated by the state but not wholly owned by the state are subject to the plan review and inspection requirements as provided in this subsection. If a governmental subdivision has adopted a building code, electrical code, mechanical code, and plumbing code and performs inspections pursuant to such codes, such buildings or structures shall be built to comply with such codes. However, if a governmental subdivision has not adopted a building code, electrical code, mechanical code, and plumbing code, or does not perform inspections pursuant to such codes, such buildings or structures shall be built to comply with the state building code and shall be subject to a plan review and inspection by the commissioner or an independent building inspector appointed by the commissioner. A fee shall be assessed for the cost of plan review and the cost of inspection.

4. The commissioner shall administer this section notwithstanding section 103A.19. The commissioner shall establish by rule proper qualifications for an independent building inspector and for the commissioner's staff or assistant who performs inspections, and fees for plan reviews and inspections.

Sec. 73. Section 147.106, subsection 1, paragraph e, Code Supplement 2005, is amended to read as follows:

e. The referring clinical laboratory, other than the laboratory of a physician's office or group practice, that ordered the services. A laboratory of a physician's office or group practice that ordered the services may be presented a claim, bill, or demand for payment if a physician in the physician's office or group practice is performing the professional component of the anatomic pathology services.

Sec. 74. Section 147.106, subsection 5, Code Supplement 2005, is amended to read as follows:

5. This section does not prohibit claims or charges presented by to a referring clinical laboratory, other than a laboratory of a physician's office or group practice, ~~to~~ unless in accordance with subsection 1, paragraph "e", by another clinical laboratory when samples are transferred between laboratories for the provision of anatomic pathology services.

Sec. 75. Section 225C.48, subsection 1, Code 2005, if amended by both 2006 Iowa Acts, House File 845, if enacted, and by 2006 Iowa Acts, Senate File 2217, section 22, if enacted, is amended by striking the subsection and inserting in lieu thereof the following:

1. a. An eleven-member comprehensive family support council is created in the department. The members of the council shall be appointed by the governor. At least five of the members shall be family members of individuals with a disability as defined in section 225C.47. At least five of the members shall be current or former service consumers or family members of such service consumers. Members shall serve for three-year staggered terms. A vacancy on the council shall be filled in the same manner as the original appointment.

b. The members of the council are entitled to reimbursement of actual and necessary expenses incurred in the performance of their official duties. In addition, the

members who are family members of individuals with a disability or current or former service consumers or family members of such service consumers are entitled to a stipend of fifty dollars for each council meeting attended, subject to a limit of one meeting per month. The expenses and stipend shall be paid from the appropriation made for purposes of the comprehensive family support program.

c. The council shall elect officers from among the council's members.

Sec. 76. Section 232.147, subsection 2, paragraph b, if enacted by 2006 Iowa Acts, House File 2651, section 1, is amended to read as follows:

b. Official juvenile court records containing a petition or complaint alleging delinquency filed on or after January 1, 2007, shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150. ~~However, the~~ The official records shall not be available to the public or any governmental agency through the internet or in an electronic customized data report unless the child has been adjudicated delinquent. However, the following shall have access to official juvenile court records through the internet or in an electronic customized data report prior to the child being adjudicated delinquent:

(1) The judge and professional court staff, including juvenile court officers.

(2) The child's counsel or guardian ad litem.

(3) The county attorney and the county attorney's assistants.

(4) A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.

(5) A state or local law enforcement agency.

(6) The state public defender.

(7) The division of criminal and juvenile justice planning of the department of human rights.

Sec. 77. Section 232.149A, subsection 3, if enacted by 2006 Iowa Acts, House File 2651, section 2, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. The state public defender.

Sec. 78. NEW SECTION. 257.12 ADJUSTMENT IN STATE FOUNDATION AID.

1. If a school district is required to repay property taxes paid for school taxes levied on property originally assessed at five million dollars or more because the assessment was subsequently reduced by the action of the property assessment appeal board or judicial action and the amount of the reduction in the assessment equals at least one hundred thousand dollars or two percent of the assessed value of all taxable property in the district prior to the reduction, whichever is less, the school district is eligible for an adjustment in state foundation aid. To receive the adjustment in state foundation aid, the school district shall apply to the department of management prior to the beginning of the budget year following the budget year in which the repayment of the property taxes occurred. The department of management shall determine the amount of adjustment in state foundation aid pursuant to subsection 2.

2. The department of management shall determine the amount of state foundation aid which the school district would have received under section 257.1 if the amount of the school district's foundation property tax was determined using the reduced assessment of the applicable property. The difference between the amount of the state foundation aid using the reduced assessment and the amount of state foundation aid actually received under section 257.1 equals the amount of the adjustment in state foundation aid to be paid to the school district.

3. The adjustment in state foundation aid under this section shall be paid as provided in section 257.16. If the application to receive an adjustment in state aid was filed prior to April 15, the adjustment shall be paid in the budget

year. If the application is made after April 15, the adjustment shall be paid in the following budget year.

Sec. 79. Section 275.15, unnumbered paragraph 4, Code 2005, is amended to read as follows:

The administrator shall at once publish the decision in the same newspaper in which the original notice was published. Within twenty days after the publication, the decision rendered by the area education agency board may be appealed to the district court in the county involved by any school district affected. For purposes of appeal, only those school districts who filed reorganization petitions are school districts affected. An appeal from a decision of an area education agency board or joint area education agency boards under section 275.4, 275.16, or this section is subject to appeal procedures under this chapter and is not subject to appeal under procedures set forth in chapter 290.

Sec. 80. Section 314.1, subsection 2, Code 2005, as amended by 2006 Iowa Acts, House File 2713, section 27, is amended to read as follows:

2. Notwithstanding any other provision of law to the contrary, a public improvement that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert and that has a cost in excess of the applicable threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14, or 313.10, as modified by the bid threshold subcommittee pursuant to section 314.1B, shall be advertised and let for bid, except such public improvements that involve emergency work pursuant to section 309.40A, 313.10, or 384.103, subsection 2. For a city having a population of fifty thousand or less, a public improvement that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert that has a cost in excess of twenty-five thousand dollars, as modified by the bid threshold subcommittee pursuant to section 314.1B, shall be advertised and let for bid, excluding emergency work. However, a public improvement that has an estimated total cost to a city in excess of a threshold of fifty thousand dollars,

as modified by the bid threshold subcommittee pursuant to section 314.1B, and that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert that is under the jurisdiction of a city with a population of more than fifty thousand, shall be advertised and let for bid. Cities required to competitively bid highway, bridge, or culvert work shall do so in compliance with the contract letting procedures of sections 38.3 through 38.13.

Sec. 81. Section 352.2, subsection 7, Code 2005, is amended to read as follows:

7. "Farm products" means those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, canines from licensed facilities, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.

Sec. 82. Section 421.17, subsection 27, paragraph j, if enacted by 2006 Iowa Acts, House File 2521, is amended by striking the paragraph and inserting in lieu thereof the following:

j. Of the amount of debt actually collected pursuant to this subsection an amount, not to exceed the amount collected, which is sufficient to pay for salaries, support, maintenance, services, and other costs incurred by the department related to the administration of this subsection shall be retained by the department. Revenues retained by the department pursuant to this section shall be considered repayment receipts as defined in section 8.2. The director shall, in the annual budget request pursuant to section 8.23, make an estimate as to the amount of receipts to be retained and the estimated amount of additional receipts to be collected. The director shall report annually to the department of management, the

legislative fiscal committee, and the legislative services agency on any additional positions added and the costs incurred during the previous fiscal year pursuant to this subsection.

Sec. 83. Section 423.1, subsection 3, Code Supplement 2005, is amended to read as follows:

3. "Agricultural production" includes the production of flowering, ornamental, or vegetable plants in commercial greenhouses or otherwise, and production from aquaculture or canines from licensed facilities. "Agricultural products" includes flowering, ornamental, or vegetable plants and those products of aquaculture or canines from licensed facilities.

Sec. 84. Section 427.1, subsection 21A, Code Supplement 2005, is amended by striking the subsection and inserting in lieu thereof the following:

21A. DWELLING UNIT PROPERTY OWNED BY COMMUNITY HOUSING DEVELOPMENT ORGANIZATION. Dwelling unit property owned and managed by a community housing development organization, as recognized by the state of Iowa and the federal government pursuant to criteria for community housing development organization designation contained in the HOME program of the federal National Affordable Housing Act of 1990, if the organization is also a nonprofit organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code and owns and manages more than one hundred and fifty dwelling units that are located in a city with a population of more than one hundred ten thousand.

Sec. 85. NEW SECTION. 441.38A NOTICE TO SCHOOL DISTRICT.

In addition to any other requirement for providing of notice, if a property owner or aggrieved taxpayer files a protest against the assessment of property valued at five million dollars or more or files an appeal to the property assessment appeal board or the district court with regard to such property, the assessor shall provide notice to the school district in which such property is located within ten days of the filing of the protest or the appeal, as applicable.

Sec. 86. Section 466A.3, subsection 1, paragraph b, Code Supplement 2005, is amended to read as follows:

b. The board shall consist of four members of the general assembly who shall serve as voting ex officio, nonvoting members. Not more than one member from each house shall be from the same political party. Two state senators shall be appointed, one by the majority leader of the senate and one by the minority leader of the senate. Two state representatives shall be appointed, one by the speaker of the house of representatives and one by the minority leader of the house of representatives. A member may designate another person to attend a board meeting if the member is unavailable. Only the member is eligible for per diem and expenses as provided in section 2.10.

Sec. 87. Section 631.14, Code 2005, is amended to read as follows:

631.14 REPRESENTATION IN SMALL CLAIMS ACTIONS.

1. Actions constituting small claims may be brought or defended by an individual, partnership, association, corporation, or other entity. In actions in which a person other than an individual is a party, that person may be represented by an officer or an employee.

2. In actions concerning residential rental property that is titled in the name of one or more individuals, an employee of one or more of the titled owners, or an officer or employee of a property management entity acting on behalf of one or more of the titled owners, may bring or defend an action in the name of the titled owners, the property management entity, or the name by which the property is commonly known.

Notwithstanding any other provision to the contrary, if the defendant or plaintiff has been improperly named in the petition in an action concerning residential rental property, the real party in interest shall be substituted at the time the error is identified and the action shall not be dismissed or delayed except to the extent necessary to identify and serve the real parties in interest.

3. A person who in the regular course of business takes assignments of instruments or accounts pursuant to chapter 539, which assignments constitute small claims, may bring an action on an assigned instrument or account in the person's own name and need not be represented by an attorney, provided that in an action brought to recover payment on a dishonored check or draft, as defined in section 554.3104, the action is brought in the county of residence of the maker of the check or draft or in the county where the draft or check was first presented. Any person, however, may be represented in a small claims action by an attorney.

Sec. 88. 2006 Iowa Acts, Senate File 2251, section 1, subsection 2, paragraph b, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (35) The Iowa podiatric medical society.

NEW SUBPARAGRAPH. (36) The Iowa speech-language hearing association.

Sec. 89. EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

1. The section of this division of this Act amending section 7D.29, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act amending section 427.1, subsection 21A, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2005, for assessment years beginning on or after that date.

3. The section of this division of this Act enacting section 441.38A takes effect January 1, 2007, and applies to assessment years beginning on or after that date.

DIVISION VI

SETTLEMENT OF STATE FINANCIAL AND TORT CLAIMS

Sec. 90. Section 8.6, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 15. STATE TORT CLAIMS -- RISK MANAGEMENT COORDINATOR. Designate a position within the department to

serve as the executive branch's risk management coordinator. The risk management coordinator shall have all of the following responsibilities:

a. Coordinating and monitoring risk control policies and programs in the executive branch, including but not limited to coordination with the employees of departments who are responsible for the workers' compensation for state employees and management of state property.

b. Consulting with the attorney general with respect to the risk control policies and programs and trends in claims and liability of the state under chapter 669.

c. Coordinating the state's central data repository for claims and risk information.

The costs of salary, benefits, and support for the risk management coordinator shall be authorized by the state appeal board established in chapter 73A and shall be paid as claims for services furnished to the state under section 25.2.

Sec. 91. Section 8A.512, subsection 1, paragraph b, subparagraph (3), Code 2005, is amended to read as follows:

(3) Claims approved by an agency according to the provisions of ~~sections 25.1 and~~ section 25.2.

Sec. 92. Section 22.7, subsection 32, Code Supplement 2005, is amended to read as follows:

32. Social security numbers of the owners of unclaimed property reported to the treasurer of state pursuant to section 556.11, subsection 2, included on claim forms filed with the treasurer of state pursuant to section 556.19, included in outdated warrant reports received by the treasurer of state pursuant to section ~~25.2~~ 556.2C, or stored in record systems maintained by the treasurer of state for purposes of administering chapter 556, or social security numbers of payees included on state warrants included in records systems maintained by the department of administrative services for the purpose of documenting and tracking outdated warrants pursuant to section ~~25.2~~ 556.2C.

Sec. 93. Section 25.1, subsection 1, Code 2005, is amended to read as follows:

1. When Except for those claims that are addressed as provided in section 25.2, subsection 2, when a claim is filed or made against the state, on which in the judgment of the director of the department of management the state would be liable except for the fact of its sovereignty or that it has no appropriation available for its payment, the director of the department of management shall deliver that claim to the state appeal board. However, this chapter does not apply to a claim as defined in section 669.2.

Sec. 94. Section 25.1, subsection 3, Code 2005, is amended by striking the subsection.

Sec. 95. Section 25.1, unnumbered paragraph 1, Code 2005, is amended by striking the unnumbered paragraph.

Sec. 96. Section 25.2, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The state appeal board with the recommendation of the special assistant attorney general for claims may approve or reject claims against the state of less than ten five years involving the following:

Sec. 97. Section 25.2, subsection 1, paragraph a, Code 2005, is amended by striking the paragraph.

Sec. 98. Section 25.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Notwithstanding the time period specified in subsection 1, the state appeal board may approve or reject a claim against the state of five years or more, provided an error was made by the state or the claim involves a dispute that commenced five years or more prior.

Sec. 99. Section 25.2, subsection 2, Code 2005, is amended to read as follows:

2. a. Notwithstanding subsection 1, an agency that receives a claim that is charged to a funding source other than the general fund of the state that does not revert and is based on an outdated invoice, outdated bill for merchandise,

or for services furnished to the state ~~pursuant to section 25.1, subsection 3,~~ may on its own approve or deny the claim. The agency shall provide the state appeal board with notification of receipt of the claim and action taken on the claim by the agency. The state appeal board shall adopt rules setting forth the procedures and standards for resolution of such claims by state agencies. Claims denied by an agency shall be forwarded to the state appeal board by the agency for further consideration, in accordance with this chapter.

b. The department of administrative services staff performing financial administration duties under chapter 8A, subchapter V, shall establish reporting requirements for dealing with claims under this subsection as necessary to conform with generally accepted accounting principles.

Sec. 100. Section 25.2, subsection 4, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

4. Outstanding state warrants that have been canceled pursuant to section 8A.519 and were charged to the general fund of the state or another state funding source shall be addressed as provided in section 556.2C.

Sec. 101. Section 25.2, subsection 5, Code 2005, is amended by striking the subsection.

Sec. 102. NEW SECTION. 556.2C OUTSTANDING STATE WARRANTS.

1. a. An unpaid, outdated warrant that is canceled pursuant to section 8A.519 shall be included in a list of outstanding state warrants maintained by the director of the department of administrative services. On or before July 1 of each year, the director of the department of administrative services shall provide the office of the treasurer of state with a consolidated list of such outstanding warrants that have not been previously reported to the office.

b. The consolidated list shall be accompanied by supporting information as specified by the treasurer of state. The treasurer of state may include information regarding the

outstanding warrants in the notice published pursuant to section 556.12 and on the treasurer of state's official internet website.

c. The reporting requirements of this section do not apply to outdated warrants charged to federal grants or other nonstate funds for which funding is no longer available as described in section 25.2.

2. An agreement to pay compensation to recover or assist in the recovery of an outstanding warrant made within twenty-four months after the date the warrant is canceled is unenforceable. However, an agreement made after twenty-four months from the date the warrant is canceled is valid if the fee or compensation agreed upon is not more than fifteen percent of the recoverable property, the agreement is in writing and signed by the payee, and the writing discloses the nature and value of the property and the name and address of the person in possession. This subsection does not apply to a payee who has a bona fide fee contract with a practicing attorney regulated under chapter 602, article 10.

Sec. 103. Section 556.18, subsection 2, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Any costs in connection with information on outstanding state warrants addressed pursuant to section 556.2C.

Sec. 104. Section 669.2, subsection 2, Code Supplement 2005, is amended to read as follows:

2. "Award" means any amount determined by the state-appeal board attorney general to be payable to a claimant under section 669.3, and the amount of any compromise or settlement under section 669.9.

Sec. 105. Section 669.3, Code 2005, is amended to read as follows:

669.3 ADJUSTMENT AND SETTLEMENT OF CLAIMS.

1. ~~Authority is hereby conferred upon the state-appeal board, acting The attorney general,~~ on behalf of the state of Iowa, ~~subject to the advice and approval of the attorney~~

~~general, to shall consider, ascertain, adjust, compromise, settle, determine, and allow any claim as defined in that is subject to this chapter. If any claim is compromised, settled, or allowed in an amount of more than five thousand dollars, the unanimous approval of all members of the state appeal board and the attorney general shall be required and the approval of the district court of the state of Iowa for Polk county shall also be required.~~

2. Claims A claim made under this chapter shall be filed with the director of the department of management, who shall acknowledge receipt on behalf of the state ~~appeal board~~.

3. The state appeal board shall adopt rules and procedures for the handling, processing, and investigation of claims, ~~according to the provisions of the Iowa administrative procedure Act,~~ in accordance with chapter 17A.

Sec. 106. Section 669.4, unnumbered paragraph 5, Code 2005, is amended by striking the unnumbered paragraph.

Sec. 107. Section 669.5, Code 2005, is amended to read as follows:

669.5 WHEN SUIT PERMITTED -- EMPLOYEES OF THE STATE.

1. No A suit shall not be permitted for a claim under this chapter unless the state-appeal board attorney general has made final disposition of the claim, ~~except that if. However,~~ if the state-appeal board attorney general does not make final disposition of a claim within six months after the claim is made in writing to the state-appeal board director of the department of management, the claimant may, by notice in writing, withdraw the claim from consideration ~~of the state appeal board~~ and begin suit under this chapter. Disposition of or offer to settle any claim made under this chapter shall not be competent evidence of liability or amount of damages in any suit under this chapter.

2. a. Upon certification by the attorney general that a defendant in a suit was an employee of the state acting within the scope of the employee's office or employment at the time of the incident upon which the claim is based, the suit

commenced upon the claim shall be deemed to be an action against the state under the provisions of this chapter, and if the state is not already a defendant, the state shall be substituted as the defendant in place of the employee.

b. If the attorney general refuses to certify that a defendant was acting within the scope of the defendant's office or employment as described in paragraph "a" at the time of the incident out of which the claim arose, the defendant may petition the court, with notice to the attorney general, for the court to find and certify that the defendant was an employee of the state and was acting within the scope of the defendant's office or employment. The defendant must file the petition within ninety days of the date the attorney general serves notice of the attorney general's refusal to provide certification as provided in paragraph "a". If the court issues the finding and certification, the suit shall be deemed to be brought against the state and subject to the provisions of this chapter and the state shall be substituted as the defendant party unless the state is already a defendant. If the court denies the petition for certification, the order shall not be a final order and is not subject to interlocutory appeal by the defendant.

Sec. 108. Section 669.13, Code 2005, is amended to read as follows:

669.13 LIMITATION OF ACTIONS.

1. Every A claim and or suit otherwise permitted under this chapter shall be forever barred, unless within two years after such the claim accrued, the claim is made in writing to and filed with the state-appeal-board director of the department of management under this chapter. The time to begin a suit under this chapter shall be extended for a period of six months from the date of mailing of notice to the claimant by the state-appeal-board attorney general as to the final disposition of the claim or from the date of withdrawal of the claim from-the-state-appeal-board under section 669.5, if the time to begin suit would otherwise expire before the end of such the period.

2. If a claim is made or filed under any other law of this state and a determination is made by a state agency or court that this chapter provides the exclusive remedy for the claim, the time two-year period authorized in subsection 1 to make a claim and to begin a suit under this chapter shall be extended for a period of six months from the date of the court order making such determination or the date of mailing of notice to the claimant of such determination by a state agency, if the time to make the claim and to begin the suit under this chapter would otherwise expire before the end of such the two-year period. The time to begin a suit under this chapter may be further extended as provided in the-preceding-paragraph subsection 1.

3. This section is the only statute of limitations applicable to claims as defined in this chapter.

Sec. 109. Section 669.15, Code 2005, is amended to read as follows:

669.15 ATTORNEY'S ATTORNEY FEES AND EXPENSES.

The court rendering a judgment for the a claimant under this chapter, or the-state-appeal-board, with-the-advice-and approval-of the attorney general, making an award under section 669.3, or the-attorney-general-making-an-award-under section 669.9, as-the-case-may-be, shall, as a part of the judgment or award, determine and allow reasonable attorney's attorney fees and expenses, to. The attorney fees and expenses shall be paid out of but not in addition to the amount of judgment or award recovered, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be guilty of a serious misdemeanor.

Sec. 110. Section 669.18, Code 2005, is amended to read as follows:

669.18 EXTENSION OF TIME.

If a claim is made or a suit is begun under this chapter, and if a determination is made by the ~~state-appeal-board attorney general~~ or by the court that the claim or suit is not permitted under this chapter for any reason other than lapse of time, the time to make a claim or to begin a suit under any other applicable law of this state shall be extended for a period of six months from the date of the court order making such determination or the date of mailing of notice to the claimant of such determination by the ~~state-appeal-board attorney general~~, if the time to make the claim or begin the suit under such other law would otherwise expire before the end of such period.

Sec. 111. Section 669.19, Code 2005, is amended to read as follows:

669.19 INVESTIGATION OF CLAIMS BEFORE-APPEAL-BOARD.

~~Chapter-25-does-not-apply-to-claims-as-defined-in-this chapter--However, any or all of the provisions of sections 25.1, 25.4, and 25.5 may be made applicable to claims as defined in this chapter by agreement between the attorney general and the state-appeal-board from time to time. The attorney general shall fully investigate each claim under this chapter and may exercise the authority provided in section 25.5 in performing the investigation.~~

Sec. 112. Section 669.20, Code 2005, is amended to read as follows:

669.20 LIABILITY INSURANCE.

Whenever if a claim or suit against the state is covered by liability insurance, the provisions of the liability insurance policy on defense and settlement shall be applicable notwithstanding any inconsistent provisions of this chapter. The attorney general ~~and the state-appeal-board~~ shall ~~co-operate~~ cooperate with the insurance company.

Sec. 113. Section 669.21, Code 2005, is amended to read as follows:

669.21 EMPLOYEES DEFENDED AND INDEMNIFIED.

1. The Except as otherwise provided in subsection 2, the state shall defend any employee, and shall indemnify and hold harmless an employee against any claim as defined in section 669.2, subsection 3, paragraph "b", including claims arising under the Constitution, statutes, or rules of the United States or of any state.

2. a. The duty to indemnify and hold harmless shall not apply and the state shall be entitled to restitution from an employee if the employee fails to cooperate in the investigation or defense of the claim, as defined in this section, or if, in an action commenced by the state against the employee, it is determined that the conduct of the employee upon which a tort claim or demand was based constituted a willful and wanton act or omission or malfeasance in office.

b. The duty to indemnify and hold harmless shall not apply if, in a suit commenced against the employee, the state has been substituted as the defendant in place of the employee, as provided in section 669.5.

DIVISION VII

CORRECTIVE PROVISIONS

Sec. 114. Section 8A.204, subsection 3, paragraph g, subparagraph (4), unnumbered paragraph 2, as enacted by 2006 Iowa Acts, House File 2705, section 1, is amended to read as follows:

The board shall keep detailed minutes of all discussion, persons present, and action occurring at a closed session, and shall also tape record all of the closed session. The minutes and the tape recording of a session closed under this subparagraph shall be made available for public examination when a final decision is made regarding whether to issue the request for proposals. All board actions and decisions regarding this information shall be made in open meetings ~~session~~ and appropriately recorded.

Sec. 115. Section 35A.14, subsection 3, if enacted by 2006 Iowa Acts, Senate File 2312, section 1, is amended to read as follows:

3. The department may receive and accept donations, grants, gifts, and contributions from any public or private source for the purpose of providing grants under this section. Moneys received by the department pursuant to this subsection shall be deposited in an injured veterans trust fund which shall be created in the state treasury under the control of the department. Moneys credited to the trust fund ~~shall be~~ are appropriated to the department for the purpose of providing injured veterans grants under this section and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the trust fund shall be credited to the trust fund.

Sec. 116. Section 70A.23, subsection 3, paragraph a, as enacted by 2006 Iowa Acts, Senate File 2231, is amended to read as follows:

a. An eligible state employee, excluding an employee covered under a collective bargaining agreement which provides otherwise or an employee of the state board of regents, who retires and receives a payment as provided in subsection 2 shall be entitled to elect to have the employee's available remaining value of sick leave ~~to be~~ used to pay the state share for the employee's continuation of state group health insurance coverage pursuant to the requirements of this subsection.

Sec. 117. Section 91.4, subsection 9, Code 2005, as amended by 2006 Iowa Acts, House File 2586, section 1, if enacted, is amended to read as follows:

9. The commissioner may establish rules pursuant to chapter 17A to assess and collect interest on fees, penalties, and other amounts due the division. The commissioner may ~~delay~~ or, following written notice, deny the issuance of a license, commission, registration, certificate, or permit authorized under chapter 88A, 89, 89A, 90A, 91C, or 94A if the applicant for the license, commission, registration,

certificate, or permit owes a liquidated debt to the commissioner.

Sec. 118. Section 123.3, subsection 37, as amended by 2006 Iowa Acts, Senate File 2305, section 1, is amended to read as follows:

37. "Wine" means any beverage containing more than five percent of alcohol by weight but not more than seventeen percent of alcohol by weight or twenty-one and twenty-five hundredths percent of alcohol by volume obtained by the fermentation of the natural sugar contents of fruits or other agricultural products but excluding any product containing alcohol derived from malt or by the distillation process from grain, cereal, molasses, or cactus.

Sec. 119. Section 124.506A, subsection 1, as enacted by 2006 Iowa Acts, House File 2696, section 1, is amended to read as follows:

1. Notwithstanding the provisions of section 124.506, if more than ten pounds of marijuana or more than one pound of any other controlled substance is seized in as a result of a violation of this chapter, the law enforcement agency responsible for retaining the seized controlled substance may destroy the seized controlled substance if the law enforcement agency retains at least ten pounds of the marijuana seized or at least one pound of any other controlled substance seized for evidence purposes.

Sec. 120. Section 266.27, Code 2005, as amended by 2006 Iowa Acts, Senate File 2253, section 34, is amended to read as follows:

266.27 ACT ACCEPTED.

The assent of the general assembly of the state of Iowa is hereby given to the provisions and requirements of the Smith-Lever Act, 38 Stat. 372-374, approved May 18 8, 1914, and any amendments to that Act, codified at 7 U.S.C. § 341 -- 349.

Sec. 121. Section 331.756, subsection 44, Code Supplement 2005, is amended by striking the subsection.

Sec. 122. Section 455G.31, subsection 2, paragraph a, if enacted by 2006 Iowa Acts, House File 2754, section 25, is amended to read as follows:

a. For gasoline storage and dispensing infrastructure other than the dispenser, the department of natural resources under this chapter or the state fire marshal under chapter 1017-~~division-11~~ must determine that it is compatible with E-85 gasoline.

Sec. 123. Section 541A.3, subsection 1, unnumbered paragraph 1, Code 2005, as amended by 2006 Iowa Acts, House File 2644, section 5, is amended to read as follows:

Payment by the state of a savings refund on amounts of up to two thousand dollars per calendar year that an account holder deposits in the account holder's account. Moneys transferred to an individual development account from another individual development account and a savings refund received by the account holder in accordance with this section 541A-3 shall not be considered an account holder deposit for purposes of determining a savings refund. Payment of a savings refund either shall be made directly to the account holder or to an operating organization's central reserve account for later distribution to the account holder in the most appropriate manner as determined by the administrator. The state savings refund shall be the indicated percentage of the amount deposited:

Sec. 124. Section 602.8102, subsection 38, Code Supplement 2005, is amended by striking the subsection.

Sec. 125. 2006 Iowa Acts, House File 2238, section 2, subsection 1, paragraph d, is amended to read as follows:

d. Of the amount allocated to eligible services providers under paragraph "c", 70 percent shall be distributed to the state's accredited community mental health centers established or designated by counties in accordance with law or administrative rule. If a county has not established or designated a community mental health center and has received a waiver from the mental health and, mental retardation,

developmental disabilities, and brain injury commission, the mental health services provider designated by that county is eligible to receive funding distributed pursuant to this paragraph in lieu of a community mental health center. The funding distributed shall be used by recipients of the funding for the purpose of developing and providing evidence-based practices and emergency services to adults with a serious mental illness and children with a serious emotional disturbance. The distribution amounts shall be announced at the beginning of the federal fiscal year and distributed on a quarterly basis according to the formulas used in previous fiscal years. Recipients shall submit quarterly reports containing data consistent with the performance measures approved by the federal substance abuse and mental health services administration.

Sec. 126. CONTINGENT REPEAL -- IPERS. The section of 2006 Iowa Acts, House File 2245, amending section 97B.1A, subsection 24, paragraph "c", is repealed if the section of 2006 Iowa Acts, House File 729, amending section 97B.1A, subsection 24, paragraph "c", is enacted.

Sec. 127. 2006 Iowa Acts, House File 2713, as enacted, is amended by adding the following new section:

SEC. 23A. Section 256F.4, subsection 8, Code 2005, is amended to read as follows:

8. A charter school may enter into contracts in accordance with chapter 73A 38.

Sec. 128. COLLABORATIVE EDUCATIONAL FACILITY -- CODE EDITOR DIRECTIVE. The Code editor shall codify the provisions of 2006 Iowa Acts, House File 864, notwithstanding that the Act was drafted to the Code 2005 rather than to the Code Supplement 2005. The provisional numbering in that Act in section 423.3 of new subsection 85 and in section 423.4 of new subsection 4 used subsection numbers that were not assigned in the Code 2005 and their use in that Act does not imply that the subsections in sections 423.3 and 423.4, Code Supplement 2005, with those same subsection numbers, are in any way

affected. In addition, the Code editor, under the authority of section 2B.13 relating to the correction of internal references to sections which have been repealed, shall insert before the references to chapter 504A in sections 2 and 3 of that Act the words "former chapter".

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2797, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved June 2, 2006

THOMAS J. VILSACK
Governor